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## TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) POLICY MANUAL

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## 201.1 ELIGIBILITY FACTORS

A. A child will be categorically eligible for TANF if he meets the following requirements:

1. Is under the age of 18 years\* or if 18 but not yet 19 is enrolled and attending a secondary school or vocational/technical school of secondary equivalency, and is expected to complete the high school or vocational/technical program prior to or in the month he attains age 19.
2. Is living in the home of a parent or a certain specified relative (201.5) or is in foster care under certain conditions.
3. Is a resident of Virginia.\* (201.6)
4. Is a citizen of the United States or an eligible alien.\*\* (201.7)
5. The family is in need of financial assistance.\* (305)

Exception: A child who meets all of the above requirements may be ineligible for assistance due to the family cap provision. See Section 201.12.

B. To be eligible, a child who meets the requirements above, a parent, or a caretaker-relative other than the parent must meet the following conditions:

1. Provide a social security number or proof of application for an SSN.
2. Participate, as required, in the Virginia Initiative for Employment Not Welfare Program unless otherwise exempt.\*\*\* (901.2)
3. Provide, or have provided on his behalf, a written declaration of citizenship or alien status.\*\*\*\* (201.7)

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\* Code of Virginia, Section 63.2-602

\*\* Public Law 104-193

\*\*\* Code of Virginia, Section 63.2-608

\*\*\*\* Social Security Act, Section 1137(d)(1)(A)

4. Comply with the compulsory school attendance requirement if he is a child or minor parent.\* (201.3)
  5. Cooperate in identifying the parents of a child, establishing paternity, and obtaining support unless he is a child.\*\* (201.10)
- C. The parent or caretaker/relative shall be eligible for AFDC unless one of the exceptions specified in 302.6.D. or E. is applicable. Eligibility of the caretaker/relative may exist even though:
1. The only eligible child in the home **receives** SSI. The SSI child must meet all of the eligibility criteria listed in 201.1.A. and B. (school attendance) for the caretaker to be determined eligible for AFDC.
  2. The only eligible child in the home **receives** an adoption assistance payment. Even though the child who receives an adoption assistance payment may not be eligible to have his needs included in the AFDC grant amount, **he is deemed** eligible for AFDC for purposes of qualifying the caretaker-relative for AFDC.\*\*\* (Refer to 302.6.C.6.)
  3. The only eligible child in the home **receives** a federal, state, or local foster care maintenance payment. Even though the child who receives a foster care maintenance payment is not eligible to have his needs included in the AFDC grant amount, **he is deemed** eligible for AFDC for the purpose of qualifying the caretaker-relative for AFDC.\*\*\*\* (Refer to 201.5.B. regarding ineligibility of the natural parent or other caretaker-relative to receive AFDC for this child in his prior home.)

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\* Code of Virginia, Section 63.1-105

\*\* Code of Virginia, Section 63.1-105.1

\*\*\* ACF, Region III, IM 93-6

\*\*\*\* ACF-AT-94-5

- D. IMMUNIZATIONS - All applicants and recipients for TANF must supply verification that all otherwise eligible children have received the immunizations required by the Code of Virginia.\* The agency must inform applicants of the immunization requirement at initial application and must inform recipients on 7/1/95 on their first scheduled redetermination after 7/1/95. The immunization schedule is established by the State Board of Health.
1. ACTION AT FIRST REDETERMINATION OR TWELVE MONTHS AFTER NOTIFICATION - By the first redetermination or twelve months, whichever is later after being informed of the immunization requirement, the recipient must provide the following or the worker must reduce the TANF grant:
    - a. Verification that the child has received all immunizations appropriate to his age;
    - b. Verification that the child has received at least one dose of each of the required immunizations as appropriate for the child's age and that the child's physician or the local health department has prepared a plan for completing the immunizations. The plan needs only to indicate when future immunizations are due; or
    - c. Verification that the child is exempt.
  2. ACTION AT SECOND REDETERMINATION AFTER NOTIFICATION - At the second redetermination and subsequent redeterminations after being informed of these requirements, the recipient must provide verification of compliance with the immunization schedule or the plan prepared by the physician or health department, until the child has received all required immunizations. Failure to provide the necessary verifications shall result in a grant reduction.
  3. ADDING A CHILD TO THE ASSISTANCE UNIT AND TRANSFERS- When a child is added to the assistance unit, the eligibility worker must advise the parent/caretaker of the immunization requirement. The parent/caretaker shall be allowed at least twelve months to provide verification that the child has met the immunization requirement. As verification of immunizations is only required at redetermination, sanctions shall not be imposed for such a child until the first redetermination occurring at least six months after the child is added.

Example: On February 1, Ms. I reports a new child, Tom, in the assistance unit. The worker advises Ms. I of the immunization requirement for Tom. On April 15, Ms. I has a redetermination interview. No immunization verification is required for Tom. At the next redetermination in **March**, Ms. I fails to provide verification of Tom's immunizations. The grant is reduced for **April**.

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\* 45 Code of Virginia, 63.2-603

For cases that are transferred, the receiving agency must ensure that the recipient has been notified of the immunization requirement. If no notification has occurred, the eligibility worker must advise the recipient of the immunization requirement. The receiving agency shall not impose an immunization sanction unless the transferring locality initiated the sanction or the receiving locality's redetermination occurs at least six months after notification of the requirement.

4. VERIFICATION - Workers should attempt to use the AFDC Childhood Immunization Certification form whenever possible to verify receipt of immunizations. Physicians or medical personnel should complete this form indicating that the child is age appropriately immunized, medically exempt, or in the process of being brought up to date.

If the client provides another form of verification that does not clearly indicate whether or not the child has the required immunizations, the worker should seek assistance by contacting the locality's Immunization Action Plan coordinator at the Health Department, or by calling the Bureau of Immunization hotline at 1-800-568-1929.

5. EXEMPTIONS - If the eligible child meets any one of the following criteria, he is exempt from immunization verification requirements:
  - a. The child is enrolled in school (public school, private or parochial school, or Head Start classes operated by the school division), or has been enrolled in school up to grade six;
  - b. The child is enrolled in a licensed family day home or a licensed child day center;
  - c. The parent of the child objects on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices; or
  - d. The parent or guardian of the child presents a statement from a physician licensed to practice medicine in Virginia which states that the physical condition of the child is such that the administration of one or more of the required immunizing agents could be detrimental to the health of the child.
    - (1) If a child is exempt from meeting the immunization requirements under part d. above, then the caretaker/relative shall provide the local department of social services with a plan developed by the child's physician or the local health department for completing the immunizations.
    - (2) The caretaker/relative must verify compliance with the plan for completing the immunizations at subsequent redeterminations of eligibility for AFDC until the child has received all required immunizations. If a child is not in compliance with the plan for completing immunizations, the worker must reduce the AFDC grant.

6. AFDC GRANT REDUCTION - The worker must reduce the AFDC grant for failure to comply with the immunization requirement. However, the worker must first identify and remove any barriers to accessing immunizations over which the agency has control before imposing a sanction.

Failure to comply with the immunization requirement shall result in a reduction of the monthly AFDC amount by:

- a. Fifty dollars for one child who fails to meet the immunization requirement; and
- b. Twenty-five dollars for each additional child who fails to meet the immunization requirement.
- c. The worker must impose this reduction until the caretaker/-relative provides verification to the local department of social services that the child is in compliance with the immunization requirement. Upon receipt of verification that a child has received all required verifications, the worker must take action to end the grant reduction by the month following the month in which the verification was received, if administratively possible.

Example: Ms. I is approved for AFDC in January and is notified of the immunization requirement at that time. At the redetermination in June, Ms. I has not obtained any immunizations for her three children, John, Tom, and Mike. The grant is reduced for July by \$100 (\$50+\$25+\$25). In August she provides verification that John has received all immunizations. The grant reduction is changed to \$75 (\$50+\$25) for September. In October, Ms. I provides verification that Mike is immunized. The grant reduction is changed to \$50 for November. In December, Ms. I provides verification that Tom has received required immunizations. The grant reduction is removed for January.

- d. If this reduction results in an AFDC amount of zero, the local agency must consider the assistance unit AFDC recipients with no payment. The case will remain open for Medicaid purposes.
7. AGENCY RESPONSIBILITIES - The local agency has the responsibility of:
- a. Providing assistance to the AFDC recipient in obtaining verification from providers if necessary and administratively feasible. (Note: The Code of Virginia Section 32.1-46 states "A physician or local health department administering a vaccine required by this sections shall provide to the person who presents the child for immunizations a certificate which shall state the diseases for which the child has been immunized, the numbers of doses given, the dates when administered and any further immunizations indicated.")
  - b. Notifying applicants and recipients of the immunization requirements.

- E. An individual convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance is ineligible to receive TANF. The applicant must state, in writing, whether he or any other required member of the assistance unit has been convicted of such a crime. This restriction shall not apply if the conviction is for conduct occurring on or before August 22, 1996.\*
- F. An individual is ineligible if he is:
1. fleeing to avoid prosecution or custody for a felony under the laws of the place from which the individual flees; (Note: To be considered "fleeing" an individual must have knowledge of an outstanding warrant. An individual must have an opportunity to document that he has fulfilled the requirements of the warrant) or
  2. fleeing to avoid confinement after conviction for a felony under the laws of the place from which the individual flees; or
  3. in violation of a condition of probation or parole imposed under federal or state law.\*
- G. SIXTY (60) MONTH LIMIT ON RECEIPT OF TANF - An assistance unit that includes an adult who has received 60 months of assistance under TANF as defined below, is not eligible for assistance.\* "An assistance unit that includes an adult" means an assistance unit where the adult's needs are included in the grant or a case where the adult's needs are not included in the grant but the adult is required to participate in VIEW. (See 901.2.) The 60 months of TANF eligibility is an accumulated period of time.

**An assistance unit in which a parent becomes disabled after receipt of 60 months of TANF is not eligible for TANF.**

A month in which an individual received TANF benefits in another state counts toward the 60-month limit. If an applicant states on the application for TANF benefits that he received assistance in another state, the eligibility worker must verify any TANF months to be counted by contacting the appropriate state and recording those months in the ADAPT system. Note: The effective date for TANF implementation will vary from state to state. When contacting other states to verify the number of months already accrued, the worker should request the number of months counted by that state toward the 60-month limit. If contacted by another state, the worker should provide the number of months countable under Virginia's TANF program since February 1, 1997. The following website identifies each state's contact person:  
<http://dpaweb.hss.state.ak.us/training/map/mapHTML.htm>.

The following months of receipt of TANF in Virginia do not count toward the 60 month limit:

- 1) Months in which no time is accrued on the assistance unit's VIEW clock, including months that a client is in inactive status on the first of the month;
- 2) Months of receipt of Aid to Families with Dependent Children (AFDC). Thus, months of financial assistance received in Virginia prior to February 1, 1997 do not count;
- 3) Any months that an individual receives assistance as a minor child (not a caretaker);



- 4) Months during which the adult lived on an Indian reservation or in an Alaskan Native village if, during the month;
  - (a) at least 1,000 individuals were living on the reservation or in the village; and
  - (b) at least 50 per cent of the adults living on the reservation or in the village were unemployed;
- 5) Months in which the case was a "control" case. (Petersburg, Portsmouth, Prince William, Wise, and Lynchburg were research sites for the VIP evaluation. Cases in these localities were assigned a research or control status.)

Example 1: Client moved to Virginia 7/10/00 and subsequently applied for TANF. She indicated receipt of TANF in North Carolina approximately six months prior to this application. EW contacts the local agency in North Carolina and verifies that client received TANF there from February 1999 through January 2000. The EW will add February 1999 through January 2000 to the 60-month clock **because these months are on the client's federal 60-month clock in that state.**

Example 2: Client is participating in VIEW and her clock has run from April 1999 through July 2000. On July 8, 2000 the VIEW worker placed the client in inactive status. ESW places the client back in active status on August 22, 2000. July will count as a month in the 24-month limit. August will not count because of the inactive status on the first of the month. The count will resume with the month of September.

Example 3: Client and her three children received 60 months of TANF, with the March 1, 2003 payment. The TANF case was closed effective March 31, 2003. On April 12, 2003 the client was incarcerated and her three children moved in the grandmother's household. The grandmother needed financial assistance and applied for TANF on May 1, 2003. The TANF application for the three children was approved on June 14, 2003. The children are eligible because they now live with an adult who is not included in the grant and does not have a 60-month clock. If the grandmother becomes financially needy, applies for herself, **and volunteers for VIEW**, the 60-month clock will begin to accrue.

Example 4: Client and her two children have received 60 months on her 60-month clock as the result of federal clock months from another state and/or VIEW months in Virginia. As long as the children remain in the home with this client, this family of three have reached their lifetime limit of TANF and will not be eligible again.

Example 5: The children in example #4 leave the client's home and go to live with their father. The father has not been on TANF or has been a TANF/VIEW recipient, but has less than 60-months on his clock. The father and children can receive TANF until he has reached his 60-month time limit.

Example 6: The children in example #4 leave the client's home and go to live with their grandmother. Grandmother is not in the assistance unit. She can receive TANF for the grandchildren.

**Example 7:** The children in example #4 leave the client's home and go to live with an aunt. The aunt applies for assistance and is in need and is included in the assistance unit as caretaker. She is found eligible to receive TANF for herself and the children. If the aunt volunteers for VIEW, her 60-month clock will accrue until she reaches the 60-month limit.

**Example 8:** Client receives TANF for herself and three children. The client has cycled in and out of TANF/VIEW and reaches her 24-month and 60-month limits. If the children go to live with their father or any specified relative, no one can receive TANF for the children during the two year period of ineligibility due to the VIEW limit.

201.2 AGE - The month, day, and year of the child's birth must be established and evidence thereof entered in the eligibility case record, except that, pending the securing of such evidence, assistance must not be denied an otherwise eligible child who is obviously under 12.

If the day and month cannot be established, July 1 is assumed to be the birthdate.

Continuing Eligibility\*- The child is eligible until he reaches the age of 18. He is eligible for the month in which his 18th birthday falls if he has not attained the specified age on the first day of that month.

An 18 year old child may be eligible if enrolled in a secondary school or vocational/technical school of secondary equivalency if he is expected to complete the high school or vocational/technical program prior to or in the same month as his 19th birthday. The program is considered completed on the last day of final exams or, if exams are not required, the last day of

\* 45 CFR 233.39(B)(ii)

scheduled classes. The child will be eligible for the month in which completion of the school program occurs; however, eligibility cannot be extended past that month. The case record must be well documented in this area.

201.3 SCHOOL ATTENDANCE\* - To be eligible for assistance, children in the assistance unit under age 18, including minor parents, must comply with the compulsory school attendance requirement. A child will be considered as meeting this requirement until such time as the local department of social services receives notification that he is truant. A child who is 18 years old meets the school attendance requirement, regardless of actual attendance, as long as he is enrolled and expected to complete high school or an equivalent program as stated in Section 201.2 above.

- A. Definition of Truancy - Truancy is defined as noncompliance with State compulsory school attendance requirements as determined by the local school division.\*\*

Local school boards may set additional rules deemed necessary to carry out the intent of the compulsory attendance laws. Such rules may also be applied by the local school division in identifying children who are truant.

- B. Notification of Truancy - When the local school division determines that a child receiving TANF is truant, it will notify the local department of social services.

School divisions will identify truant TANF recipients using one of the following methods:

1. State Department of Social Services provides all local school divisions with a list of all individuals ages five through 17. This information is e-mailed to a designated contact person in each school division monthly.
2. The local department of social services and local school division may develop an alternate method (local option) for identifying TANF children who are truant, provided the method is mutually acceptable.

Note: If the agency receives notification from a source other than the school, such as the applicant/recipient, the agency must verify truancy through the school.

- C. Notifying the Applicant/Recipient of Truancy - The local department of social services must do the following when notified by the school of truancy:

Notify the caretaker, in writing, of the truancy of a member of the assistance unit. Exception: When the caretaker is a minor parent whose TANF payments are made to a protective payee, the notice must be sent to the protective payee.

\* Code of Virginia, Section 63.2-606

\*\* Code of Virginia, Sections 22.1-254 et seq.

The notice must include the following:

1. that the truant recipient is in jeopardy of losing eligibility for TANF benefits;
2. that the caretaker must contact the local department within five working days of the notice to cooperate in developing a plan to achieve compliance with compulsory school attendance laws; and
3. that failure to contact the local department may result in the truant recipient's ineligibility for TANF due to noncooperation.

Note: The "Advance Notice of Proposed Action" form must not be used to meet this notification requirement.

- D. Development of and Cooperation with the Plan - If the caretaker contacts the agency, the agency is to work with him to establish a plan to resolve the child's truancy and to bring him into compliance with school attendance laws.

Each local agency and local school division shall mutually develop a model plan which the agency must follow in developing individual case plans. The model plan shall allow the school and local agency flexibility in fitting the plan to the truant child's situation. The model plan must include the following:

1. a determination of the reason for non-attendance;
2. a time frame for achieving compliance;
3. a schedule of events which the caretaker agrees to complete; and
4. what performance constitutes compliance.

The worker and caretaker, in consultation with the school, shall mutually develop the individual case plan in accordance with the agency model. At the time the plan is developed, the worker must explain to the caretaker that failure to follow the plan will result in removal of the truant child due to noncooperation. The plan must be in writing, with a copy given to the caretaker and a copy filed in the case record. Once implemented, the agency must verify that the caretaker is cooperating with the plan. The truant individual meets the school attendance requirement during this time provided the caretaker continues to cooperate in meeting plan requirements.

The local agency must determine what agency staff will be responsible for establishing individual case plans and for verifying cooperation with the plans. The local agency must monitor individual case plans to assure consistent application of the above guidelines.

E. Failure to Establish or Cooperate with the Plan -

1. If no response is received to the written notice within five working days as specified in Section 201.3 C, the local department must do the following:
  - a. make reasonable efforts to personally contact the applicant/recipient. This may include a direct telephone contact or a face-to-face contact to explain the requirement to develop a plan to return the child to school and the result of not cooperating with the requirement. The case record must be documented as to the agency's attempts to contact the applicant/recipient; and
  - b. if, after reasonable efforts, the local department is unable to make personal contact, the local department must mail an "Advance Notice of Proposed Action" to the caretaker advising him that the truant child will be ineligible for AFDC benefits if the caretaker fails to contact the agency to develop a plan to return the child to school.
2. If the caretaker responds to the written notice specified in Section 201.3 C or to the personal contact, but fails to cooperate in developing or complying with the plan, the agency must take action effective the next month, if administratively possible, to remove the truant recipient from the grant due to noncooperation.

The child's failure or refusal to cooperate with the plan is considered noncooperation by the caretaker, as the caretaker is responsible for the child's actions.

- F. Reinstatement Following Noncooperation in Establishing or Following the Plan - The child's needs are to be reinstated once the agency has verified that the caretaker is again cooperating. If noncooperation occurred in relation to development of the plan, development of the plan must be completed for cooperation to exist. If noncooperation occurred in following the plan once developed, the caretaker must demonstrate her cooperation before the child's needs can be reinstated. The child's needs must be added to the grant effective the month following the month in which cooperation occurs. If the caretaker contacts the agency prior to the actual removal of the child and cooperates in developing the plan, the child's needs will not be removed from the grant.
- G. Truant Applicants - During the application process, if the assistance unit member is truant, the local department must do the following:
1. notify the applicant of the requirements listed in Section 201.3 C;
  2. allow the applicant an opportunity to comply with the school attendance requirement during the 30-day processing period by either enrolling the child or by cooperating with the agency in establishing a plan for compliance; and
  3. notify the applicant of the child's eligibility or ineligibility on the "Notice of Action" form when action is taken on the application.
- H. Notification of Court Conviction and Subsequent Reinstatement - If the agency receives notification that a court has found a member of the assistance unit guilty of a violation of compulsory school attendance laws, the eligibility worker must remove the truant recipient from the grant effective the following month, if administratively possible. The child will remain ineligible until the caretaker notifies the local agency, and the agency verifies through the school division, that the child is no longer truant. The child's needs must be added to the grant effective the month following the month in which compliance was achieved.
- I. Children in Job Corps - The Job Corps Program is an alternative education program which meets compulsory school attendance requirements. A child who is in the Job Corps is considered to be in compliance with school attendance requirements without regard to actual attendance records.
- J. Compulsory School Attendance Requirements Applicable to SSI Children - The school attendance requirement applies to an SSI child only when the SSI child is the only eligible child in the assistance unit. In such cases, the eligibility of the case is based upon the child's meeting AFDC eligibility requirements, including school attendance. The requirement does not apply to other SSI children in the home. If the SSI child who is the only eligible child does not meet the school attendance requirement, the case is ineligible.

K. Children Excused by the Local School Board\* - Children may be excused from school attendance by the local school board.

1. Children excused for the reasons below are not truant and no further action is required:
  - a. children who are home schooled or tutored by someone other than the parent;
  - b. children whose parents are conscientiously opposed to attendance at school for religious reasons;
  - c. children whose parents are opposed to attendance at school for health or safety reasons; and
  - d. children age five who will not reach their sixth birthday until after September 30 of the school year, whose parent or guardian notifies the school board that he does not wish the child to attend school until the following year because the child is not mentally, physically, or emotionally prepared to attend school.
2. The agency must explore the availability of alternate programs for children excused for the following reasons:
  - a. children in violation of school board policies, including weapons, alcohol or drugs charges, or intentional injury to another person; and
  - b. children who cannot benefit from education at the school.

If a program is located in which the child can participate, a plan must be developed. If no program is available or appropriate, the child is not truant and must not have his needs removed from the grant.

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\* Code of Virginia, Section 22.1-257

201.4 DEPRIVATION OF PARENTAL SUPPORT OR CARE - Repealed effective July 1, 1999.

201.5 LIVING ARRANGEMENTS - The child must be living with a parent or other specified relative (Subsection A., below) in a residence maintained as a home (Subsection B., below) by one or more such relatives. For TANF-UP, both natural or adoptive parents of at least one child must be living in the home. (Refer to [701.2.](#))

Exception: Under certain prescribed conditions, an otherwise eligible child may receive TANF while in foster care, as provided in the Title IV-E Eligibility Manual and Subsection B., below, such as during a trial visit.

- A. Specified Relatives - The relative with whom the child is living, who is designated as the caretaker, must be a relative by blood, marriage, or adoption. Relationships by marriage exist even after the marriage has been terminated by death or divorce.

Neither severance of parental rights nor adoption is considered to terminate the relationship to biological relatives. Therefore, biological relatives may receive assistance for someone who has been adopted, when there is no other relative by adoption in the home to receive assistance on the individual's behalf. However, this provision does not require individuals who have been adopted to be included in the assistance unit of the biological relative and his/her children.

Example 1: Jane Doe had two children who were adopted by Jane's parents. Jane's parents died leaving their adopted children in the care of Jane. Jane is considered a biological relative for TANF purposes and can receive assistance for the two children, however, they are not to be included in the same assistance unit as any other children Jane may have since she has no legal responsibility for these children.

Example 2: Mary Smith's child, Michael, was adopted by a family friend. When Michael's adoptive parent died, there was no other relative to care for him. Michael went to live with Mary. Since Mary and Michael are biologically related, she can receive assistance for him. However, Michael is not to be included in the same assistance unit as any other children Mary may have.

Documentation of how each child is related to the caretaker must be secured for each relationship that links the child to the caretaker, using methods in [Procedures](#) Section I D.1.



- B. Living in a Home\* - A home is the family setting maintained or in the process of being established by the specified relative, as evidenced by the presence of the child. A home exists even though the child or relative is temporarily absent from the customary family setting. The relative may be absent for reasons such as hospitalization, education or training, a vacation, or a visit. A parent that is absent from the home due to active duty in the uniformed services is considered living in the home. The child may be absent as long as the absence does not exceed 60 consecutive days, unless good cause exists. Additionally, a home may exist in situations where the assistance unit lacks a fixed home address or is otherwise considered homeless.
1. A child that has been, or is expected by the caretaker to be, absent from the home for a period of 60 consecutive days is ineligible for TANF. Exception: If the child is absent for longer than 60 consecutive days, the child may retain eligibility if good cause for the absence exists, such as hospitalization, education or training, a vacation, or a visit.
- Note: The child can be eligible in another assistance unit.
2. The caretaker must report to the local agency after it becomes clear to the caretaker that the minor child will be absent from the home for 60 consecutive days. (Refer to Section [401.2.B.2.a.3.](#))
  3. If the caretaker fails to report the change within the required time frame as described above, the caretaker is ineligible. The caretaker will remain ineligible until the child returns to the home or there is a break in assistance.
- C. Living with a Specified Relative for a Part of Each Month - Examples of this include joint custody situations in which the child is with the TANF applicant/recipient one night a week, weekends only, every other week, informal arrangements made by the child's parents, or a vacation or visit to the applicant/recipient's home. The "living with" evaluation requires an evaluation of both presence in the home and responsibility for care and control of the child while in the home.

The "living with" determination is made by the local department of social services (LDSS) on a case-by-case basis using information obtained from individuals outside the home:

- about the child's entry into the client's home;
- extent of responsibilities the applicant/recipient will exercise while the child is in the home; and
- the applicant/recipient's responsibility to maintain a home and meet the basic day-to-day needs of the child should be included in the evaluation.

\* Public Law 104-193

The number of days per month the child will be in the home is not, by itself, a determinant of the "living with" status. Because each situation is different, TANF policy does not require the child to be in the home for a set number of days per month to be eligible. However, the number of days the child is in the home is a factor to be considered in reaching a final decision.

Individuals who should be contacted to determine the living arrangements and responsibilities of the applicant/recipient for the child include, but are not limited to:

- The parent or other individual with whom the child previously resided, or in the case of shared custody, the alternate parent or caretaker with whom the child will reside during the portion of the month the child is not in the client's home;
- Other individuals, such as family members or friends, who are knowledgeable of the child's circumstances; and
- Other agencies or entities, such as the school the child attends or will attend, the child's day care provider, physician, service provider, or other individual who knows the family or maintains information identifying emergency contact persons.

The evaluation should also include an evaluation of the applicant/recipient's authority to act in emergencies, e.g., a medical emergency. In situations where the parents have joint custody, the agency should examine the court order to better understand the responsibilities of each parent. The "living with" evaluation is also important because of the impact it can have on the parent who will be obligated to repay the debt to the state for assistance received by the assistance unit.

The LDSS should apply the "prudent person rule" (i.e, the worker must determine what is reasonable based on experience, knowledge of the program, logic.) in reaching a decision. Not all situations where the child is in the home for a portion of the month will meet the "living with" requirement. The worker must document the case record as to his findings and the decision made to include or exclude the child from the assistance unit. It is very important that the LDSS complete a thorough evaluation of the circumstances of the change in the child's residence and the caretaker's responsibility for the child. The decision made by the LDSS will be subject to review if a fair hearing is requested.

A child living with his parent(s) may be eligible for TANF even though custody is held by the social services department, if all other eligibility factors for TANF are met. When living with a relative of a specified degree other than a parent, a child will be eligible for TANF if he/she is not eligible for AFDC-FC and all other factors for TANF eligibility are met. Refer to AFDC-FC Manual, Section 202.3.A. If eligible for AFDC-FC, the child is not eligible for TANF.

It should be noted that for TANF eligibility purposes a child can only have one home, as defined above in this section. Therefore, if the caretaker/ relative qualifies for TANF because of the presence in the home of a child who receives a foster care maintenance payment, the child cannot also be considered to be "temporarily absent" from his or her prior home with a parent or other caretaker/relative, thereby also qualifying such relative for a TANF payment.

The case record must be documented relative to the local agency's finding that the child is living in the home.

A child may not be denied TANF, either initially or subsequently, on the basis that the home is considered "unsuitable" because of conditions existing in the home, unless provision is otherwise made for his adequate care and assistance.\* If such conditions appear to exist, referral for protective services must be made.

- C. Minor Parent Residency Requirement \*\* - A minor parent is an individual under 18 years of age who is the natural parent of the child. A minor parent and the dependent child in her care must reside in the home maintained by her parent or person standing in loco parentis, unless she meets an exception. ("In loco parentis" means a specified relative (see 201.5A) the legal guardian of a minor child, or a person 21 years of age or older who is standing in place of the parent.) Minor applicants must be informed about the residency requirement at the time of application. If the minor cannot make arrangements to live in the home of a parent or person standing in loco parentis within the standard 45 day processing time, and does not meet an exception, then the worker must deny the application.

The priority order for living arrangements of all minor parents is the following: with a parent, with a specified relative, with a legal guardian, or with a person 21 years of age or older who is standing in place of the parent. If the minor parent does not reside with her parent, the local agency shall consider this priority order by encouraging the minor to move, when a more appropriate placement is found in a higher priority level. If the minor parent does not live with her parent(s) and the local agency determines that living with the parent(s) is more appropriate, the worker must make reasonable efforts to advise the parent(s) of their legal responsibility for the minor parent.

Example 1: Sue is a minor parent living with her daughter in the home of her grandmother. Sue states she does not like her mother's rules. Sue's grandmother does not make Sue attend school and does not impose a curfew. Sue's mother provides appropriate supervision. The agency encourages Sue to move in with her mother to receive TANF, and sends a letter to Sue's mother advising her of her legal responsibility for Sue.

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\* 45 CFR 233.90(b)

\*\* Section 63.1-105.6, Code of Virginia

1. Exceptions - The minor parent residency requirement shall not apply if one of the following situations exists:
  - a. The minor parent is married;
  - b. The minor parent has no parent or person standing in loco parentis who is living;
  - c. The minor parent has no parent or person standing in loco parentis whose whereabouts are known; or
  - d. The physical or emotional health or safety of the minor parent or his dependent child would be jeopardized if the minor parent and dependent lived in the same residence with the minor parent's parent or person standing in loco parentis. Such a claim shall be corroborated by clear and convincing evidence from court, medical, criminal, child protective services, psychological or law enforcement records.

If the minor parent meets an exception, then AFDC is to be approved (if otherwise eligible).

2. Locating Adult-Supervised Living Arrangements - If the minor parent meets an exception b through d above and no parent or person standing in loco parentis is available, the local department of social services must assist the minor parent in locating an adult-supervised supportive living arrangement. This is to be done by determining, with the minor parent, why she does not live with a parent or person standing in loco parentis and what her needs are. The local agency must attempt to find an appropriate adult-supervised supportive living arrangement such as, but not limited to, a group home.

When an appropriate adult-supervised supportive living arrangement is located, the minor parent and child shall be required to live there to continue receiving AFDC. The worker must give the minor parent 30 days advance notice to move. If the minor parent fails or refuses to move to the adult-supervised living arrangement in the 30 day time period, the worker must close the case.

Example: Maybelle is a teen parent who moved in with her grandmother after her parents died. When Maybelle's grandmother died, she did not know where any other relatives lived, and now lives alone with her child. The agency approved the case for AFDC and began the search to locate an adult-supervised living arrangement.

3. Protective Payment - When a minor parent and her dependent child are required to live with the minor parent's parent or person standing in loco parentis, then **TANF** must be paid in the form of a protective payment to the parent or person standing in loco parentis. (See 502.7).

201.6 RESIDENCE - Federal regulations\* require that a child be considered a resident of the state in which he is living, other than on a temporary basis, regardless of the reason for which he entered the state or the residence of his parents. A caretaker is a resident of the state in which he is living even though he may be homeless or may have entered the state seeking employment or with a job commitment as long as he, or the child, is not receiving assistance from another state. Temporary absence from the state, with subsequent return to the state or intent to return does not affect eligibility.

Residence must be verified except in unusual cases, such as homeless assistance units, migrant farm worker assistance units or assistance units newly arrived in a locality, where verification of residence cannot reasonably be accomplished. Verification of residence should be accomplished to the extent possible in conjunction with the verification of other TANF information. If verification cannot be accomplished in conjunction with the verification of other information the worker can use a collateral contact or other readily available documentary evidence, such as statements from migrant service agencies, letters from the people with whom the assistance unit is staying, hotel check-in receipts, day care enrollment forms and health clinic records for the family. Any document or collateral contact which reasonably establishes the applicant/recipient's residence must be accepted and no requirement for a specific type of verification may be imposed.

Continuing Eligibility - If a person receiving **TANF** moves to make his home in another state, eligibility for **TANF** in Virginia no longer exists.

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\* 45 CFR 233.40

201.7 CITIZENSHIP AND ALIENAGE - Federal law\* requires anyone whose needs are considered in determining the amount of assistance for TANF to be a citizen of the United States or an eligible alien.

A. Citizenship/Alienage Status

1. Citizenship - An individual is a U.S. citizen if he is:
  - a. born in the United States, regardless of the citizenship of his parents; or
  - b. born outside the United States of U.S. citizen parents (the mother if born out of wedlock); or
  - c. born outside the United States of alien parents and has been naturalized as a U.S. citizen. A child born outside the United States of alien parents automatically becomes a citizen after birth if his parents (the mother if born out of wedlock) are naturalized before he becomes 16 years of age.
2. Alienage - An alien must be a qualified alien as defined below or meet the exception in d.3) below. If the alien does not meet the definition of a qualified alien or the exception, he does not meet the alienage requirement. If he meets the definition of a qualified alien, he must then be evaluated in accordance with b., c., and d.1) and d.2) below, depending on the date he entered the U.S.
  - a. "Qualified alien" is defined as:
    - 1) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
    - 2) an alien granted asylum under Section 208 of the INA;
    - 3) a refugee admitted to the U.S. under Section 207 of the INA, or an alien who is admitted to the U.S. as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under MIGRATION AND REFUGEE ASSISTANCE in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as amended),\*\* **or an alien who is a victim of human trafficking.**
    - 4) an alien paroled into the U.S. under Section 212(d)(5) of the INA for a period of at least one year;
    - 5) an alien whose deportation is being withheld under Section 243(h) of the INA (as in effect prior to April 1, 1997) or section 241(b)(3) of the INA (as amended by section 305(a) of division C of Public Law 104-208);\*\*

\* Public Law 104-193

\*\* Public Law 105-33

- 6) an alien granted conditional entry pursuant to Section 203(a)(7) of the INA as in effect prior to April 1, 1980;
- 7) an alien, and/or alien parent of battered children and/or an alien child of a battered parent who is battered or subjected to extreme cruelty while in the U.S. as defined in [Procedures](#) Section I.F.2;\* or
- 8) an alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.\*

Note: The State assists qualified aliens to the full extent permitted by federal law.\*\*

- b. If the qualified alien entered the U.S. prior to August 22, 1996, he is an eligible alien for TANF purposes.
- c. If the qualified alien entered the U.S. on or after August 22, 1996, he is ineligible for assistance for five years from the date of entry, unless he is:
  - 1) an alien granted asylum under section 208 of the INA;
  - 2) an alien admitted to the U.S. as a refugee under section 207 of the INA, or an alien admitted as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under MIGRATION AND REFUGEE ASSISTANCE in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as amended);\*
  - 3) an alien whose deportation is being withheld under Section 243(h) of the INA (as in effect immediately before the effective date of section 307 of division C of Public Law 104-208) or section 241(b)(3) of the INA (as amended by section 305(a) of division C of Public Law 104-208); or
  - 4) an alien who is a Cuban-Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.\*
- d. Exception for Veterans and Persons on Active Duty and Their Relatives - An alien lawfully residing in the state (not here illegally) meets the alienage requirement regardless of the date of entry into the U.S., provided he is:
  - 1) a qualified alien and is a veteran discharged honorably and not on account of alienage and who has served a minimum of 24 months or the period for which the person was called to

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\* Public Law 105-33

\*\* 1997 Acts of Assembly

active duty. "Veteran" also includes persons who served in the Philippine Commonwealth Army during World War II or as Philippine Scouts following the war;\*

- 2) a qualified alien and is on active duty (other than active duty for training) in the Armed Forces of the United States; or
- 3) the spouse or unmarried dependent child of an individual (not deceased) described in 1) or 2) above, or the surviving spouse of an individual (deceased) described in 1) or 2) above, provided the surviving spouse has not remarried and was married to the deceased veteran:
  - (a) before the end of a 15-year period following the end of the period of military service in which the injury or disease causing the death of the veteran was incurred or aggravated; or
  - (b) for one year or more; or
  - (c) any period of time if a child was born of the marriage or was born to them before the marriage.\*

The spouse or unmarried dependent child is not required to be a qualified alien.

3. Verification of immigration status is required at application, redetermination, and as individuals are added, using **U.S. Citizenship and Immigration Services (USCIS)** documents provided by the alien **or, if the individual is a victim of human trafficking, using documentation from the federal Office of Refugee Resettlement.** If an applicant/recipient's alien status changes or an individual who was an alien becomes a U.S. citizen, his eligibility for assistance must be evaluated under the new status unless otherwise stated in policy or procedures. See Procedures Section I to determine alien status and eligibility.

If an alien presents expired documents as evidence of his immigration status, refer the alien to the local **USCIS** office to obtain documentation of status. In unusual cases involving aliens who have physical or mental disabilities that limit their ability to obtain or provide the required evidence, the worker should make every effort to assist the individual to obtain the required evidence. If the alien can provide an alien registration number, the worker should file a Form G-845 and Supplement, along with the alien registration number and a copy of any expired **USCIS** document presented with the local **USCIS** office to verify status.

**B. Sponsored Aliens**

Aliens may be sponsored by either an individual or an agency/organization. Sponsorship satisfies a requirement of the **USCIS** that an individual petitioning to come to the U.S. is not likely to become a "public charge."

\* Public Law 105-33



1. Agency/Organization Sponsor - If sponsored by an agency/organization, eligibility for TANF does not exist for the first three years of U.S. residence unless the agency/organization no longer exists or is financially unable to provide support.

Certain Soviet Jewish refugees have been admitted to the United States under a Memorandum of Understanding (MOU) between the U.S. Department of State and two private Jewish agencies, the Council of Jewish Aid and the Hebrew Immigrant Aid Society. The MOU states that the sponsoring agency will ensure that these refugees do not require cash, medical or food stamp assistance for two years after their admission to the U.S. Refugees admitted under MOU will possess **USCIS** Arrival-Departure Records (I-94) which contain the following statement:

"This refugee is sponsored by the Hebrew Immigrant Aid Society and (name of local Jewish organization). Private resources are available. If assistance is sought, please call (name of local Jewish agency) at (phone number)."

The sponsorship statement is to be regarded by the worker as a lead that other income and resources may be available to meet the refugee's needs. The sponsoring agency must be contacted to determine the actual availability of any income and/or resources and use such verified information in the determination of the unit's eligibility. It is not, however, appropriate to deny an application for assistance solely on the basis of the sponsorship statement on the refugee's I-94.

2. Individual Sponsor - Individuals who petition **USCIS** to become a sponsor of an alien must execute an affidavit of support. In some situations, an alien may be sponsored by more than one individual. Refer to Section 305.4.D. regarding sponsor deeming requirements.

C. Declaration of Citizenship or Alien Status

As a condition of eligibility, all TANF applicants/recipients shall provide, or have provided on their behalf, a signed statement attesting, under penalty of perjury, to their citizenship or alien status.\* An applicant/recipient age 18 or older must sign the declaration for all assistance unit members. In the absence of an adult in the assistance unit, the applicant will sign for all unit members.

The declaration is to be obtained at the time of application or when a new member is requested/required to be in the unit. Exception: A written declaration on behalf of a newborn should be obtained at the time the child is requested/required to be included in the assistance unit. The

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\* Social Security Act, Section 1137(d)(1)

written declaration must be provided by the next eligibility determination if not obtained at the time the child is added to the assistance unit. Verification of the newborn's citizenship or alien status cannot be postponed until the next eligibility determination.

The declaration requirement is met when the applicant/recipient completes and signs the "Application for Benefits" or "Eligibility Review - Part A" form, as applicable.

Any member for whom the citizenship or alien status declaration requirement has not been met:

1. shall not be included in the assistance unit;
2. if required to be in the assistance unit, the income and resources of the person will be considered available to the assistance unit as indicated in [Sections 303.3.E. and F.](#) and [305.4.E.1.e.](#)

D. Systematic Alien Verification for Entitlements (SAVE) Program

1. The Immigration Reform and Control Act of 1986 (IRCA), requires the verification of the immigration status of aliens applying for certain types of benefits, including TANF. **Local agencies should not use the SAVE system to confirm the status of human trafficking victims since their status is verified by the federal Office of Refugee Resettlement.**
2. Aliens, **except victims of human trafficking**, must submit documentation of their immigration status before eligibility can be determined. (Refer to [Procedures](#), Section I.F.2. which outlines the categories of eligible aliens.) Once documentation has been provided, the agency must determine the validity of the documentation by comparing the alien information with current immigration records maintained by **USCIS**. This is accomplished through the Systematic Alien Verification for Entitlements (SAVE) Program and is intended to prevent the issuance of benefits to ineligible aliens.\* SAVE verification must be initiated prior to case approval or action to add a person.

Verification is obtained through two processes:

- a. Primary verification - a direct access to **USCIS** files via telephone or personal computer;
- b. Secondary verification - a manual procedure completed in addition to primary verification via the Document Verification Request, Form G-845, and Document Verification Request Supplement, G-845 Supplement. (Refer to [Appendix V](#) to Section 201, pages 3 - 6.) Certain situations may arise where it may not be possible to access primary verification and secondary verification must be accessed or additional information is needed that can only be obtained through the secondary procedure. These situations are addressed in Section [201.7.D.4.](#)

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\* Public Law 99-603, Section 121

Once verification has been obtained through SAVE, aliens with permanent resident status will no longer be subject to the SAVE process. Aliens with temporary or conditional status will be subject to SAVE when their temporary status expires.

### 3. Primary Verification

Primary verification is the automated method of accessing the Alien Status Verification Index (ASVI), the **USCIS** database. The automated access to ASVI must be attempted before attempting the manual, paper-trail method of secondary verification. However, there are some specific instances when the secondary method must be used without attempting to access the **USCIS** database. These reasons are listed in the Secondary Verification section.

SAVE is accessible through the seven, eight, or nine-digit Alien Registration Number (A-Number) which should be displayed on the alien's **USCIS** documents. SAVE is accessible either directly through the local agency or through regional office contact.

A total of nine digits must always be used when keying the A-Number to access the **USCIS** database. A zero is to be substituted for the letter "A" in eight-digit A-Numbers, and two zeros must precede a seven-digit number. When the A-Number is nine digits, omit the "A" and enter the nine-digit number.

Information obtained through SAVE must be compared with the original immigration document. If discrepancies are noted, the secondary verification process must be initiated. No negative action may be taken on the basis of the automated verification only.

### 4. Secondary Verification

In some instances verification of the alien status may not be completed through the automated/primary system. Secondary verification will be required in the following situations:

- a. Primary verification generates the message "Institute Secondary Verification" or "No File Found;"
- b. Discrepancies are revealed when comparing primary verification to the original immigration document or the primary verification does not clearly indicate whether the individual is a qualified alien;
- c. Immigration documents have no Alien Registration Number (A-Number) or documents presented are not identified in [Procedures](#), Section I.F.2;
- d. Immigration documents contain an A-Number in the A60 000 000 or A80 000 000 series;

- e. The document presented is a **USCIS** fee receipt;
- f. The document presented is a foreign passport and/or I-94 that is endorsed "Processed for I-551, Temporary Evidence of Lawful Permanent Residence," and the passport and/or I-94 is over one year old.
- g. Any of the items presented as documentation appears to be counterfeit or altered.
- h. The document presented is a **USCIS** receipt indicating the alien has applied for a replacement document for one of the qualified alien statuses.
- i. Additional information is needed regarding sponsorship status, including whether the affidavit of support executed is a "213A" affidavit and the name and address of the sponsor(s).
- j. Documentation is needed to substantiate status as a victim of abuse.
- k. Documentation is needed to verify U.S. citizenship.
- l. The documents presented are expired and the alien has a physical or mental disability that precludes obtaining new documents from the local **USCIS** office.

5. Secondary Verification Procedures

- a. Once the requirement to obtain secondary verification is determined, the agency must initiate the request within 10 work days. Complete the top portion of the **USCIS** Form G-845, Document Verification Request and the Document Verification Request Supplement (G-845 Supplement). Separate forms must be completed for each alien. A copy of the forms is included in [Appendix V](#), pages 3 - 6, to Section 201. Note: The G-845 Supplement may only be used in conjunction with the Form G-845, not separately.
- b. Staple readable copies (front and back) of original immigration documents to the upper left corner of Form G-845. Copies of other documents used to make the initial alien status determination must also be submitted. Other documentation could include marriage records or court documents that indicate the identity or immigration status of the holder.
- c. Retain a copy of the completed G-845 and G-845 Supplement in the case record. Mail the G-845 and G-845 Supplement to the appropriate **USCIS** office, indicating "Attention: Immigration Status Verifier" on the envelope.

**USCIS**  
4420 North Fairfax Dr. (or)  
Arlington, VA 22203

**USCIS**  
Norfolk Commerce Park  
5280 Henneman Drive  
Norfolk, VA 23513

Refer to the listing of localities in [Appendix V](#) to Section 201, pages 1 and 2 to determine the appropriate office. Do not send bulk mailings.

- d. While awaiting the secondary verification from **USCIS**, do not take any negative action against the case or individual on the basis of alien status.
- e. Upon receipt of the G-845 and G-845 Supplement, compare the information with the case record. If eligibility of the alien is confirmed, the verification from **USCIS** must be filed in the case record with the current application. Timely notice must be given to delete the individual from the TANF assistance unit if verification proves an individual's ineligibility. Additionally, if the secondary verification reveals the individual is not an eligible alien, an overpayment has occurred which must be recouped/recovered per [503.8](#).

201.8 SOCIAL SECURITY ACCOUNT NUMBER (SSN) - As a condition of eligibility, each applicant is required to provide an SSN or show proof of application for a Social Security number for each person for whom assistance is requested. An applicant must meet this condition prior to approval of the case. Only those members of the assistance unit who have met this condition are to be approved for TANF. The agency must refer each applicant/recipient who does not have an SSN or cannot provide proof of application for an SSN to the Social Security Administration (SSA) District Office. The agency must also discuss with the applicant the types of evidence of age, identity, and U.S. citizenship or alien status documents which the SSA will require prior to issuing an SSN.

- A. Obtaining a Social Security Number - For those individuals who provide SSNs prior to approval or at any other time the agency shall record the SSN in ADAPT and the State Verification and Exchange System (SVES) according to 201.8 E. The agency, however shall not delay approval of an otherwise eligible assistance unit solely to verify a social security number even if the 30 day processing period has not expired. As soon as all other steps necessary to approve an application are completed except for verification of the social security number the agency shall approve the application.

For those individuals who do not have an SSN, who do not know if they have a number, are unable to find a number and therefore cannot provide a number, or whose number appears to be questionable, the agency will direct the assistance unit to submit form SS-5, Application for Social Security Number to the Social Security Administration (SSA). The agency must advise the assistance unit where to file the application for an SSN and discuss what evidence the assistance unit will need to obtain a SSN.

Evidence needed includes a U.S. public record of birth established before age five or other verification of birth, such as religious records whose validity is not questionable, or hospital records, if they can be verified by the SSA. While religious and hospital records will entitle the individual to an SSN, further proof of birth is required by the SSA to establish eligibility for Social Security benefits.

The agency shall advise the assistance unit that proof of the application for an SSN from SSA will be required prior to approval and suggest that the assistance unit member asks the SSA for proof of the application for an SSN. SSA has a form SSA-5028, Receipt for Application for a Social Security Number for this purpose. Local agencies may also devise their own form for this purpose; however, these must receive the approval of the Regional TANF Specialist.

- B. Assistance to Newborns - For each infant added to an active case, the recipient must begin the process of obtaining a SSN. The SSN does not have to be provided prior to adding the infant to the assistance unit. If the assistance unit is unable to provide proof of application for the number for a newborn when the child is first added to the case, the caretaker must provide the number or proof of application at its next renewal or within six months, whichever is later. If the assistance unit is unable to provide the number or proof of application within the time allowed, the agency must determine if good cause provisions exist.

- C. Failure to Comply - In instances where the recipient refuses to furnish an SSN or application for an SSN for anyone for whom assistance is requested or received, assistance is terminated for that individual. To determine if the recipient is refusing to provide the needed information, the recipient must be given the opportunity to cooperate, and must clearly demonstrate that he/she will not obtain the necessary information.
- D. Determining Good Cause - In determining if good cause exists for failure to comply with the requirements to provide an SSN, the local agency must consider information from the assistance unit and SSA. The agency must verify and evaluate the recipient's circumstances to determine if there is good cause for the recipient not correcting either agency or SSA records by the next renewal of eligibility. Good cause for failing to apply for a number includes documentary evidence or collateral information that the assistance unit has made every effort to supply SSA with the necessary information to complete an application for an SSN. Good cause does not include delays due to illness, lack of transportation or temporary absences, because SSA makes provisions for mailing in applications for SSNs. If an assistance unit can show good cause why an application for an SSN has not been completed, the member in question shall be allowed to be included for one month in addition to the month of renewal for TANF. Good cause for failure to apply must be shown monthly thereafter in order for such an assistance unit member to continue to be eligible.

If the assistance unit is unable to obtain the documents required by SSA in order to apply for an SSN, the eligibility worker shall assist the individual in obtaining these documents.

The case record must be thoroughly documented to indicate the agency's determination of good cause for the recipients not providing the requested information concerning an SSN. Assistance will not be terminated for any individual if good cause is determined to exist for that individual. If good cause is not established, only the assistance for the individual not providing needed information will be terminated.

#### E. SSN Verification and Documentation

The local agency shall verify the SSNs reported by the assistance unit by submitting them to the Social Security Administration (SSA) through **the State Verification and Exchange System (SVES)**.

When the **SVES inquiry** indicates that SSA is unable to verify the SSN provided by the client, the EW must recontact the assistance unit to determine if the information the assistance unit provided is correct and obtain the correct information as appropriate. Entering the corrected data into ADAPT will result in another match being initiated with SSA to verify the SSN.

If the information the agency has is correct, but the information SSA has is incorrect, the assistance unit must be notified that it must appear at the SSA office to provide them with the necessary information such as a change of name due to marriage.

If the assistance unit refuses to provide the necessary information that would allow the verification of an SSN, the individual shall be determined ineligible. For a determination of refusal to be made, the assistance unit must be able to cooperate, but clearly demonstrate that it will not take actions that it can take.

Once the worker determines that the assistance unit must provide information or documentation to either the agency or the SSA the assistance unit must complete such action prior to the next renewal or show good cause why it was unable to do so.

If an assistance unit claims it cannot cooperate for reasons beyond its control, the worker must substantiate the assistance unit's inability to cooperate. For example, an assistance unit may claim it cannot verify a name change because official records were destroyed in a fire. The worker must verify this to the point that he/she is satisfied the claim is accurate, i.e., documentation of the name change no longer exists. In these cases, an SSN match cannot be accomplished since SSA records cannot be corrected without the missing documentation. If the worker verifies that the assistance unit is unable to cooperate in the verification of the SSN, the individual shall not be terminated. The case file must adequately document the assistance unit's inability to cooperate.

If the worker is unable to substantiate the assistance unit's claim that it cannot cooperate, the individual shall be found to have refused to cooperate and shall be terminated.

#### F. Ending Ineligibility

Once a person has been removed from the assistance unit for refusal or failure to provide an SSN, the ineligible member must provide an SSN before eligibility can be established.



201.9 ASSIGNMENT OF RIGHTS - Federal regulations\* require, as a condition of eligibility, that each applicant for or recipient of AFDC assign to the State any rights to support from any other person as the applicant or recipient may have. This assignment is also applicable to any support the applicant or recipient was due but was not paid and which has accrued at the time of assignment. The assignment is applicable to all support rights the applicant or recipient may have in his own behalf or in behalf of any other family member for whom assistance is requested.

State law\*\* provides for an automatic assignment by receipt of public assistance. This law states that "by accepting public assistance for or on behalf of a child or children, the applicant/recipient is deemed to have made an assignment...." This requirement should be thoroughly explained to the applicant/recipient along with the penalties for failure to cooperate in forwarding any support received after receipt of public assistance.

#### 201.10 COOPERATION IN OBTAINING SUPPORT

As a condition of eligibility, each applicant/recipient of AFDC must cooperate with the Division of Child Support Enforcement (DCSE) or local department of social services,\*\*\* unless good cause for refusing to do so is determined to exist,\*\*\*\* in:

identifying and locating the parent of a child for whom aid is claimed,

establishing the paternity of a child born out of wedlock for whom aid is claimed;

obtaining support payments for the applicant or recipient and for a child for whom aid is claimed; and

obtaining any other payments or property due the applicant or recipient or the child.

When a minor parent who receives assistance for her child is included in the same assistance unit with her parent and/or minor siblings, the minor parent is required to meet the cooperation requirements and provide information about the absent parent of her child to the same extent as if she were receiving assistance in her own right.

A. COOPERATION DEFINED - Cooperation means all of the following actions necessary for the identification and location of noncustodial parents (including putative fathers) and the establishment and collection of child support:

1. Providing identifying information on the noncustodial parent of a child for whom aid is requested.

\* 45 CFR 232.11(a) \*\* Code of Virginia, Section 63.1-273

\*\*\* 45 CFR 232.12(a)

\*\*\*\* 45 CFR 232.40

a. Name of Parent

- 1) The applicant or recipient must provide, under penalty of perjury, the first and last name of the individual against whom paternity or an obligation to provide support is sought to be established, modified, or enforced.
- 2) If the applicant/recipient is not certain of the child's paternity, he must **identify all** individuals with whom the mother had sexual intercourse who may be the father. The "List of Putative Fathers" form must be completed by the applicant/recipient, listing the individuals who may be the father in rank order of their probability of being the father.
  - a) The applicant/recipient must designate, in writing, the two men most likely to be the father. If the two putative fathers designated are excluded from paternity as a result of the genetic testing, the applicant/recipient will be considered as not cooperating and the agency will impose a sanction until paternity has been established for the child.
  - b) If an applicant/recipient has named only one putative father, and subsequent genetic testing determines that this individual is not the father, the applicant/-recipient must be given an opportunity to provide another name for the putative father. The applicant/-recipient is considered to be cooperating with the identification requirement if she provides the name of another individual(s) with whom the mother had sexual intercourse who may be the father. If the second man named is excluded from paternity through genetic testing, the applicant/recipient will be considered as not cooperating and the agency will impose a sanction until paternity has been established for the child.
  - c) If the blood test determines that an individual named is not the father and the applicant/recipient maintains there are no other men who could be the father, the applicant/recipient must be advised of her right to meet with the DCSE worker and have her case reviewed. DCSE will review the case and offer the applicant/recipient an opportunity to view the photograph of the individual tested. If the individual in the photograph is not the man named by the applicant/recipient, DCSE will initiate action to administer another test to the appropriate parties. If the individual in the photograph is the man named by the applicant/-recipient, DCSE may refer the matter to the court if the applicant/recipient insists that he is the father. During that time, the applicant/recipient will be considered to be cooperating.

- 3) If the mother was married at the time of the child's birth but names a putative father, the man to whom she was married must be considered the father for purposes of this requirement until DCSE has determined that he is not the father or DNA testing has excluded him as the father.

b. Additional Information to Identify the Noncustodial Parent - For each noncustodial parent referred to DCSE, the applicant/-recipient must provide, under penalty of perjury, additional informational items including, at a minimum, three of the following:

- 1) social security number;
- 2) race;
- 3) date of birth;
- 4) place of birth;
- 5) telephone number;
- 6) address;
- 7) schools attended;
- 8) occupation;
- 9) employer;
- 10) driver's license number;
- 11) make and model of motor vehicle;
- 12) motor vehicle license plate number;
- 13) places of social contact;
- 14) banking institutions utilized;
- 15) names, addresses, or telephone numbers of parents, friends, or relatives; or
- 16) other information that the agency determines is likely to lead to the establishment of paternity.

c. Exceptions to the Requirement to Provide Identifying Information on the Noncustodial Parent - In the four following situations, cooperation exists even though identifying information required in 201.10 A.1.a. and/or b. is not provided and no sanction is to be imposed. A referral must be made to DCSE even though the required identifying information is not provided. The determination as to whether one of the following exceptions exists must be evaluated by the eligibility worker and documented thoroughly in the case record. If the applicant/recipient informs the DCSE worker that one of the following situations exists, the DCSE worker will notify the eligibility worker who will evaluate the claim and make a determination. The applicant/recipient is considered to be cooperating while the claim is pending.

- 1) Caretaker Relative Other than the Parent - The relative other than the parent maintains that he does not know the identity of the child's parent and has no way to help identify the parent. The applicant/recipient must be advised that he is **still** expected to **comply with requirements in Section 201.10.A.2-5 and that failure or refusal to do so** can result in a sanction or closing of

of the case. He must also be advised that knowingly providing false information can constitute a criminal violation.

- 2) Mental Incapacity - The applicant/recipient claims that she cannot provide identifying information due to a mental incapacity. The applicant/recipient must provide competent medical evidence that she suffers from a mental incapacity and as a direct result of that incapacity is unable to provide the required identifying information about the father. The local agency must assist the applicant/recipient in obtaining the medical evidence, if requested.

The local agency must evaluate the medical evidence submitted in order to determine whether the evidence clearly shows that the applicant/recipient:

- (a) suffers from a mental incapacity and
- (b) is unable to provide the required identifying information as a direct result of that incapacity.

A "Substantiation of Mental Incapacity" form must be completed to document the agency's finding. Review and approval by the supervisor is also required. Pending a determination, cooperation is deemed to exist.

**The "Substantiation of Mental Incapacity" form can be accessed from the VDSS Intranet, under TANF Eligibility Forms or by clicking this link:**  
**<http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms/eligibility.cgi>.**

Substance abuse, intoxication, or other conditions of the applicant/recipient's own making do not constitute mental incapacity under this exception.

- 3) Undocumented Rape\* - If the applicant/recipient alleges that the child was conceived as a result of rape but good cause cannot be established due to lack of acceptable evidence as required under good cause per Section 201.10 D, the local agency must determine whether the applicant/recipient is cooperating.

In making this determination, the local department must obtain a sworn statement from the applicant/recipient. In addition, the local department should consider all of the information available to it and to the applicant/recipient as to whether the child was conceived as a result of rape, and in most instances should require evidence in addition to the sworn statement of the applicant/recipient, which may include the following:

- a) records from social workers, counselors, or rape crisis centers;

\* Code of Virginia, Section 63.2-602.B.3

- b) sworn statements from individuals, including neighbors, clergymen, social workers, and medical professionals; or
- c) other information that is deemed appropriate by the local agency.

In addition, the local agency may determine that it is appropriate for the applicant/recipient to file a police report regarding the alleged rape and/or to agree to submit to blood testing for herself and child for matching with DNA databases.

When the applicant/recipient's sworn statement is determined to be sufficient to verify rape, the case must be thoroughly documented as to basis for the determination. Review and approval by the supervisor is required.

- 4) **Child Born Prior to May 1, 1996** - The parent applicant or recipient of a child born prior to May 1, 1996 must provide identifying information on the noncustodial parent of the child when aid is requested for the child, or attest to the lack of information, under penalty of perjury.
- 2. Appearing at an office of the local department of social services or the Division of Child Support Enforcement, as requested, to provide:
    - a. verbal or written information, or
    - b. documentary evidence known to, possessed by, or reasonably obtainable by the applicant/recipient about the noncustodial parent.
  - 3. Appearing as a witness at judicial or administrative hearings or proceedings.
  - 4. Appearing for a scheduled appointment to have blood drawn to establish paternity.
  - 5. Paying to DCSE any money directly received from the noncustodial parent after approval of the AFDC case.

Note: If a problem is identified that interferes with the recipient's ability to cooperate, such as, lack of transportation, hospitalization, etc., the local agency must assist the applicant/recipient, if requested.

- B. ACTION TO BE TAKEN UPON DETERMINATION OF NONCOOPERATION - Noncooperation may occur with respect to an individual's failure to cooperate with either the local department of social services or DCSE.
1. Noncooperation exists in the following circumstances. The applicant/recipient:
    - a. failed to provide identifying information, including the first and last name of the father or of all individuals who may be the father of the child(ren), and at a minimum three additional informational items to identify the parent, and none of the exceptions in Section 201.10 A.1.c. is applicable; or
    - b. failed to respond to two consecutive requests to provide information; or
    - c. missed two consecutive scheduled appointments (other than blood test and court appearance) and did not contact the worker to reschedule them; or
    - d. failed to appear in court for a scheduled paternity, establishment of support, or enforcement hearing and did not contact DCSE to reschedule (one occurrence); or
    - e. missed a scheduled appointment for a blood test and did not contact DCSE to reschedule (one occurrence); or

- f. does not name another individual who may be the father after the only man named as the putative father is excluded; or
  - g. the putative fathers designated as numbers 1 and 2 on the "IV-A/IV-D 501 Supplement" form are excluded from paternity as a result of blood tests; or
  - h. otherwise fails to comply with the requirements in Section 201.10 A.
- 2. The finding of noncooperation must be documented in the case record.
  - a. Noncooperation must be due to one of the reasons listed in 1.a. - h. above.
  - b. If noncooperation was determined by DCSE, the DCSE worker will update the noncooperation indicator in the IV-A/IV-D Interface and follow-up with written notification to the eligibility worker on the "Cooperation/Noncooperation Notification" form, substantiating the noncooperation. Detailed information is to be maintained in the DCSE case record to document the noncooperation and must be made available, upon request, if the sanction resulting from the noncooperation finding is appealed. If the action is appealed, the eligibility worker must contact the DCSE worker to inform him that an appeal has been filed and to request the supporting documentation required to be included in the appeal summary. The DCSE worker will attend the hearing or participate in a telephonic hearing to testify as to the applicant/recipient's failure to cooperate.
- 3. The local agency must impose the appropriate sanction for noncooperation as soon as administratively possible, as follows:

Send an advance notice advising the recipient that the agency will sanction him. The sanction imposed must be determined in accordance with Section 201.10.C. below and must be effective the following month, if administratively possible.

  - a. The notice must explain that his needs will be added back to the grant once he cooperates with DCSE. DCSE will be notified of the sanction through the computer systems interface by entering the appropriate VACIS delete reason or closure code.

- b. If the sanction is due to failure to redirect support, the agency must also explain that the support, minus the \$50 disregard, will count as income to the assistance unit.
- C. SANCTIONS FOR NONCOOPERATION - Failure to cooperate, absent good cause or an exception to identification requirements, will result in the following action:
- 1. Noncooperation During First Six Months of Receipt of Assistance - When the applicant/recipient or a minor parent fails to cooperate during the first six months of receipt of assistance, the worker shall:
    - a. Exclude the caretaker's needs from the grant, **reducing the grant by the amount of the caretaker's needs or by 25 percent, whichever is greater**, effective the month following noncompliance, if administratively possible.\* **Procedures for calculating the amount of the reduction are as follows:**
      - 1) If the caretaker's needs are currently included on the grant, the caretaker must be removed. If the resulting grant reduction is less than 25 percent of the amount of assistance that would otherwise be provided to the family, the grant reduction must be increased to 25 percent. In addition to removing the caretaker, enter the additional amount on the Assistance Plan using the applicable income penalty code. Document the record as to the basis for imposing the additional penalty amount.
      - 2) If the caretaker's needs are not included on the grant due to the caretaker's categorical ineligibility (i.e., receives SSI, or is an ineligible alien) the grant must be reduced by 25 percent. On the Assistance Plan, enter as unearned income to the assistance unit an amount equal to 25 percent of the grant amount the family would otherwise have received.
      - 3) If the caretaker's needs are not included on the grant due to failure or refusal to cooperate in meeting a requirement of eligibility, the grant must be reduced by 25 percent. On the Assistance Plan, enter as an income penalty an amount equal to 25 percent of the grant amount the eligible unit members would otherwise have received.

If the caretaker subsequently complies with the eligibility requirement that had caused his needs to be removed, the amount of the reduction in the grant resulting from noncooperation with DCSE must be recalculated. The amount of the penalty will be the greater of the reduction resulting from removal of the caretaker's needs or 25 percent of the amount the family would now receive if cooperating with DCSE. Enter the additional penalty amount as income on the Assistance Plan, using the applicable income penalty code.

\* 45 CFR 232.12



If the caretaker complies with the support enforcement requirement but continues to be ineligible due to noncompliance with another requirement, the penalty reduction (amount in excess of the caretaker's needs) must be removed but the caretaker's needs must continue to be excluded.

See [Appendix X](#) to Chapter 201 for examples of the above calculations.

The individual will remain ineligible and any penalty reduction must continue until he has cooperated or the information not previously provided has been obtained from another source. The penalty reduction must be recalculated whenever there is a change in the assistance unit size or the grant amount to ensure that the sanction reduces the grant by the greater of the amount of the caretaker's needs or 25 percent.

If excluded due to noncooperation in establishing paternity, the case must be evaluated after six months' receipt of assistance according to C.2 below.

- b. Issue the assistance payment for the remaining assistance unit members in the form of protective and/or vendor payments unless, after reasonable efforts, the local agency cannot locate an appropriate individual to act as protective payee.\* (See Section [502.7.A.2.](#))
  - c. Add the recipient to the grant by the month following the month in which he cooperates with DCSE or the information not previously provided is obtained from another source.
  - d. If, in the sixth month TANF is received, the recipient is still not cooperating in relation to unestablished paternity, the local agency must complete a special review to determine if the case continues to be eligible in accordance with C.2 below. If the recipient is still not cooperating but paternity has been established, policy in section C.2 below is not applicable.
2. Noncooperation Related to Unestablished Paternity In or After the Sixth Month of Receipt of Assistance - When noncooperation occurs during or after the sixth month of receipt of assistance, the local agency must conduct a special review of the case. The purpose of the special review is to verify, through contact with DCSE, whether the recipient has begun to cooperate and/or paternity has been established. If the DCSE worker indicates that the recipient is not cooperating and paternity has not been established, action must be taken to close the case.

\* 45 CFR 234.60(a)(13)

If paternity has not been established due to the recipient's noncooperation, the local agency must close the entire AFDC case as soon as administratively possible and document the case record accordingly. The case is ineligible effective the following month and must remain closed for a minimum of one month and until cooperation has been achieved or the information not previously provided is received from another source.\*

**Exception:** If the individual not cooperating is the minor parent who is a member of an assistance unit that includes her sibling(s), the agency must notify the applicant/recipient that the sanction may be avoided by withdrawing their request for assistance for the minor parent's child.

3. **Counting the Six Months of Receipt of Assistance** - In counting the six months of receipt of assistance, count the month of entitlement as the first month of assistance when noncooperation began prior to case approval. If noncooperation occurred after approval, the six months are still counted from the date of entitlement. **Exception:** For a child added to the grant subsequent to case approval, the six-month period begins with the first month of receipt of assistance for the child.

**Example 1** - At the time of application, the agency determines that Ms. Rageolla is not cooperating in identifying the father of one of her children, and that good cause does not exist. Her case is approved in March, with her needs removed. The date of entitlement is March 20. The case is reviewed in August, the sixth month of receipt of assistance, to determine whether the case must be closed in accordance with C.2 above.

**Example 2** - Ms. Zorda cooperates at application (April) in identifying the putative father of her child. Her case is approved effective May 1. In the second month assistance is received (June), she is notified that she must come to the DCSE office to have blood drawn. Ms. Zorda fails to keep the appointment, and DCSE notifies the eligibility worker that Ms. Zorda is not cooperating. Good cause for not cooperating does not exist and her needs are removed from the grant. In October, Ms. Zorda has received six months of assistance, and the agency must determine whether the case must be closed in accordance with C.2 above.

**Example 3** - If Ms. Zorda's refusal to cooperate had occurred more than six months after entitlement, i.e., entitlement is in January and refusal to cooperate occurs in November, the sixth month of receipt of assistance would have been June and the agency would immediately evaluate continuing eligibility of the case in accordance with C.2 above.

\* Code of Virginia, Section 63.1-105.1

**Example 4** - Ms. Bonnewit has been receiving AFDC for several years. A child (not subject to the family cap), who had been residing elsewhere, comes to live with his mother, Ms. Bonnewit. His paternity has not been established. In determining the child's eligibility, Ms. Bonnewit refuses to name the father. At the same time the child is added to the grant, the mother's needs are removed. In this situation, the six-month period begins with the first month of receipt of assistance for the child.

- D.** CLAIM OF GOOD CAUSE FOR NOT COOPERATING WITH THE DIVISION OF CHILD SUPPORT ENFORCEMENT\* - If an applicant/recipient believes that cooperation would be harmful to the child or himself, he may claim good cause for not cooperating. The applicant/recipient must provide evidence to support the claim to be excused from cooperating. If the claim is substantiated, no attempt will be made to establish paternity or collect support.

The local agency may determine that cooperation would be harmful to the child only if one or more of the following circumstances exists:

1. The agency believes that the applicant/recipient's cooperation will result in:
  - a. physical or emotional harm to the child; or
  - b. physical or emotional harm to the caretaker which would impair ability to care for the child.
2. The agency believes that proceeding to establish paternity or to secure support would be detrimental to the child because one of these circumstances exists:
  - a. the child was conceived as a result of forcible rape or incest;
  - b. legal proceedings for the adoption of the child(ren) are pending; or
  - c. the caretaker, assisted by a public or licensed private social agency, is deciding whether to keep or relinquish for adoption the child for whom aid is requested.

- E.** ADVISING THE CLIENT OF THE RIGHT TO CLAIM GOOD CAUSE - At the time of application or redetermination, the agency must advise each applicant or recipient of the right to explain all reasons for refusing to cooperate in establishing paternity or securing support. The agency must explain the provisions in the "Notice of Cooperation and Good Cause" to the applicant/recipient. The applicant/recipient and eligibility worker must sign the form indicating whether or not the client claims good cause for refusing to cooperate.

\* 45 CFR CFR 234.60(a)(13)

A signed copy of the "Notice of Cooperation and Good Cause" shall be filed in the case record and a duplicate copy will be given to the applicant/recipient. If the applicant/recipient wishes to change the claim subsequent to signing one "Notice of Cooperation and Good Cause" then he must sign another form indicating the change of claim. Otherwise, only one "Notice of Cooperation and Good Cause" is necessary per case record unless the case is closed and another application is made subsequently. Because the notice outlines the rights and responsibilities of the applicant/recipient, the eligibility worker shall review each condition with the applicant/recipient to assure a complete understanding. The agency must also advise the applicant/recipient that if a finding is made that no good cause for not cooperating exists, cooperation will be required.

Note: When a minor parent is receiving assistance for her child in the unit with her parent, the good cause provision may also apply to the minor parent. The minor parent must sign a separate "Notice of Cooperation and Good Cause."

- F. ACCEPTABLE EVIDENCE TO SUBSTANTIATE GOOD CAUSE CLAIM - Each applicant or recipient who claims to have a good cause for not cooperating must provide acceptable evidence, or provide sufficient information to permit an investigation to determine if good cause exists. The applicant/recipient must provide the evidence within twenty (20) days from the day he makes the good cause claim or the agency will determine that good cause does not exist. The agency must base the determination of good cause on evidence provided by the applicant or recipient and/or through an investigation by the agency.

The agency will determine that good cause exists when the information obtained provides clear and convincing evidence of good cause for not cooperating. The following specified evidence will be sufficient to determine the existence of the good cause claimed circumstance.

1. Incest Or Forcible Rape - Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;
2. Adoption - Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction or a public or licensed private social agency is currently assisting the applicant/recipient to place the child for adoption and such discussions have not gone on for more than three months. The agency must obtain a written statement from the social agency.
3. Physical Or Emotional Harm - Court, medical, criminal, child protective services, psychological, or law enforcement records **or a written statement from a domestic violence services program or sexual assault crisis center professional** indicating that the putative father or noncustodial parent might inflict physical or emotional harm on the child or caretaker-relative.

A determination that good cause exists due to the emotional harm factor may only be based upon a demonstration of an emotional state that would substantially affect the individual's functioning if the agency required cooperation with support enforcement. Medical records which indicate the emotional health history and present emotional status of the caretaker-relative or the child for whom support would be sought may also substantiate good cause. Additionally, written statements from a psychiatrist or psychologist which indicate the diagnosis or prognosis of the caretaker-relative or the child(ren) may be used for this purpose.

NOTE: In addition to the above evidence, the applicant/recipient may offer a sworn statement from individuals including neighbors, clergymen, social workers, and medical professionals who might have knowledge of the circumstances supporting his good cause claim of physical harm. This information cannot be the only evidence offered to support the claim.

While the applicant or recipient has the responsibility to provide the agency with the required documented evidence, the agency will, upon request, assist the applicant or recipient in obtaining the required evidence. "Assist" in this context means to advise the applicant or recipient on how to obtain the documents.

If the applicant/recipient is unable to obtain the evidence and requests the agency's assistance, the agency may also undertake reasonable efforts to obtain evidence for the applicant or recipient that he is not reasonably able to obtain. This evidence is limited to the evidence cited above in items 1 - 3.

- G. DETERMINATION OF THE GOOD CAUSE CLAIM - Based on the evidence gathered, the eligibility worker must evaluate whether the evidence is clear and convincing enough to substantiate the existence of the claimed circumstance. If so, to grant a good cause exemption, the worker must further determine that requiring cooperation would be detrimental to the child because that circumstance exists. The worker will make this evaluation by considering the possible impact of cooperating, in view of the existing circumstances. In short, existence of the circumstance does not automatically exempt the client from cooperating.

On every claim of good cause, the worker will make the final determination that:

1. good cause does not exist, or
2. good cause exists and the Division of Child Support Enforcement may not pursue support.

The agency must document the final determination regarding good cause in the case record, specifying the agency's findings and the basis for the decision.

- H. ADVISING THE CLIENT OF THE DETERMINATION - The agency must advise each applicant/recipient who claims good cause for not cooperating of the final determination using the Notice of Action form. If the agency determines that good cause does not exist, it must refer the case to the Division of Child Support Enforcement. The agency must inform the applicant/recipient that cooperation will be required and provide a clear explanation of what is expected under the cooperation provision. The agency must allow him the opportunity to withdraw the application or request termination. Should the Division of Child Support Enforcement notify the local agency of evidence of failure to cooperate, the local agency must act upon such information in accordance with Section 201.10 B and C.
- I. TIME FRAME - The agency must make the final determination that good cause for refusing to cooperate does or does not exist with the same degree of promptness as any other determination or redetermination of eligibility. However, the agency must not delay, deny, or discontinue assistance for the caretaker and children pending a determination of good cause if the applicant/recipient furnishes the required documented evidence or information necessary for the agency to obtain such. EXCEPTION: If the applicant/recipient reapplies following denial or closure due to noncooperation in establishing paternity, the agency cannot approve the application unless good cause has been verified, the applicant has cooperated, or the information not previously provided has been received from another source.
- J. REFERRAL TO SUPPORT ENFORCEMENT - When the recipient has claimed good cause for not cooperating, the local agency must enter the pending claim in the MAPPER 501 system. Upon receipt of this information, the Division of Child Support Enforcement will suspend pursuit activities, pending the local agency's determination of the good cause claim.

When the agency has decided whether or not good cause exists, it will notify the DCSE Regional Office by entering the information into the MAPPER 501 system and allowing the Division of Child Support Enforcement ten (10) working days to respond if they do not concur. The agency must consider any information received from DCSE by the local agency for a possible change of the good cause determination, but the agency makes the final decision. If the agency changes its decision, it will notify the Division of Child Support Enforcement and the applicant/recipient. The worker must document the explanation of the basis for the decision.

**On a newly approved case in which the applicant has claimed good cause and the recipient has previously received public assistance or DCSE services, the worker must complete the "Good Cause Communication Form" and send it to the appropriate DCSE district office. If the information is questionable as to whether the client has previously received public assistance or DCSE services, the form must be completed and sent to the DCSE district office.**

- K. FAIR HEARING - The appeal procedures are equally applicable in this section and, upon notification of the decision, the Division of Child Support Enforcement will have the opportunity to participate in any hearings that result from an appeal of any action required by this section.

- L. PERIODIC REVIEW - The agency must review evidence used in making the determination of good cause at least as frequently as each redetermination. This review is to determine whether good cause for not cooperating continues to exist. If good cause no longer exists, the eligibility worker must notify the client of this determination using the Notice of Action. The eligibility worker must allow the applicant/recipient the opportunity to request termination of assistance, advise him of the cooperation requirement, and enter the new information in the MAPPER 501 System.

201.11 EMPLOYMENT SERVICES PROGRAM - See Chapter 900 - Virginia Initiative for Employment Not Welfare (VIEW)

201.12 - FAMILY CAP PROVISION\* - An additional child born during the period when a family is eligible for TANF is not eligible to have his needs included in the grant. The family cap provision applies to a child born while the family is eligible for TANF whether the mother's needs are included in the grant or not. Once a child has been capped, he continues to be capped during any subsequent period of eligibility subject to the provisions below.

For cases active on July 1, 1995, the family cap provision applies to a child born on or after May 1, 1996.

For applications on or after July 1, 1995, the family cap provision applies to a child born after the ten full months following the month in which the **mother's** initial TANF payment was issued. The issuance of the initial payment is the system check date. **A new ten-month period occurs at each reapplication. The ten-month period is a fixed period of ten calendar months and is not affected by suspensions.**

Example 1: Ms. Brown's application was approved August 3, 1995, and the check date of the initial payment was August 5, 1995. The first month of the 10 month grace period is September. The tenth month is June. Therefore, the effective date of the family cap provision for Ms. Brown is July 1, 1996. The family cap applies to an additional child born to her on July 1, 1996 or later while she is eligible for TANF.

If Ms. Brown's application had not been approved until August 30th and the check date of the first payment was September 1st, the 10-month period would have begun in October and ended in July, with the family cap applicable to a child born on or after August 1.

Example 2: Ms. Solos has been a recipient of TANF for the past three years. She has two children, one of whom is capped. In March 1999 her case was closed. She reapplies in July 1999 and reports that she is pregnant. Ms. Solos' case is approved for herself and the older child. Her younger child continues to be ineligible due to his capped status. Two months later, she gives birth to her third child. This child is not capped, since the child was born during the 10-month period following issuance of her initial check.

- A. CHILD SUPPORT FOR THE CHILD SUBJECT TO THE FAMILY CAP PROVISION - DCSE shall send the total value of child support collected for the child subject to the family cap provision to the child's single custodial parent. This child support shall be disregarded as income and resources for the purpose of TANF eligibility and grant determination.

To apply for DCSE services for a "capped" child, the mother may complete a DCSE application or a manual Absent Parent Deprivation/Paternity Information form when applying for Medicaid for the child.

NOTE: Anyone who is not the natural or adoptive parent of a "capped" child is not eligible to receive the total value of child support collected for the child.

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\* Code of Virginia, Section 63.1-105.7



- B. MINOR MOTHERS - If a minor is an eligible child on a grant, the provision does not apply to the first child of the minor, but does apply to additional children born to the minor within the specified time frames.
- C. ADOPTIVE PARENTS - The family cap policy applies to adoptive parents in the same manner that it applies to biological parents except the date of entry of the interlocutory order is the date used instead of the child's birth date.

- D. INCOME OF THE "CAPPED" CHILD - The income of the child **is** deemed unavailable to the assistance unit.
- E. CHILDREN WHO MOVE INTO THE HOME OF THE PARENT RECEIVING TANF - A child who was not subject to the family cap provision is subsequently not subject to the provision when he moves into the parent's home.
- F. OTHER CARETAKER/RELATIVES - The family cap provision does not apply to foster parents or caretaker/relatives who are not the biological or adoptive parents of the child. A child who was subject to the family cap in the home of a parent and subsequently moves into the home of a relative may be eligible for TANF, if otherwise eligible. Exception: A child who is subject to the family cap provision and whose parent is in a period of ineligibility due to the time limit for receipt of TANF is not eligible to receive assistance with another caretaker/relative until the parent's period of ineligibility expires. (See 901.11.)
- G. DURATION OF THE FAMILY CAP - The provision applies to a "capped" child when he lives with or returns to the home of a parent after living for a period of time in another living arrangement.
- H. CLIENT NOTICE OF FAMILY CAP PROVISION - Applicants for TANF shall receive an explanation of the family cap provision at the time of application. The applicant must check the appropriate box on the last page of the Combined Application indicating that the agency has explained the provision and that they understand the provision. When the application is approved, the Client Notice of Action must inform the mother of the effective date of the specified periods described above.

The agency must explain the provision to recipients who are receiving assistance on July 1, 1995, at the next redetermination or face-to-face interview on or after July 1, 1995. After the explanation, the recipient must check the block on the last page of the Combined Application, as well as sign and date the application.

In addition, applicants and recipients must sign and date the Notice of Personal Responsibility form. The form states that the local department has explained and that the individual understands the terms of the family cap provision. The form must be signed for all applications taken on or after July 1, 1995, and at the first redetermination after July 1, 1995, and retained in the permanent document section of the TANF case record.

- I. CHILD CONCEIVED AS A RESULT OF VERIFIED RAPE OR INCEST - A child conceived as a result of verified rape or incest is not subject to the family cap provision. Birth certificates and medical or law enforcement records are required to verify rape or incest.
- J. MEDICAID COVERAGE FOR THE CHILD SUBJECT TO THE FAMILY CAP - See the Medicaid Manual, Volume XIII, Part I, Chapter F.
- K. CHILD CAPPED IN ANOTHER STATE - A family cap imposed under another state's TANF program does not affect the child's eligibility under Virginia's TANF program.

## NONIMMIGRANT ADMISSION CODES

<u>SYMBOL</u>	<u>CLASSES OF NONIMMIGRANTS</u>
A-1, A-2	Foreign government officials, employees, and their families
A-3	Employees of A-1 or A-2 aliens and their families
B-1, B-2	Visitor for business or pleasure
C-1, C-3	Alien in transit through the U.S.
C-2	Alien in transit to U.N. headquarters
TROV	Transit without visa
D-1, D-2	Crewmen discharged from vessel or aircraft
E-1, E-2	Treaty traders
F-1, F-2	Students and their families
G-1, G-2 G-3, G-4	Representatives of international organizations and their families
G-5	Employees of G-1, G-2, G-3, G-4 and their families
H-1	Temporary workers of distinguished merit
H-1A	Registered nurse
H-1B	Alien in a specialty occupation
H-2	Temporary worker
H-3	Trainee
H-4	Spouse and minor children, accompanying or following to join H-1, H-2, or H-3
I	Foreign information representatives and their families
J-1, J-2	Exchange visitors and families
K-1, K-2	Fiance orFiancee and their children
L-1	Intra-company transferees
L-2	Spouse and minor children accompanying or following to join L-1
NATO 1, NATO 2 NATO 3, NATO 4	NATO representative and families

## NONIMMIGRANT ADMISSION CODES

<u>SYMBOL</u>	<u>CLASSES OF NONIMMIGRANTS</u>
NATO 5, NATO 6 NATO 7	Employees of NATO representative and their families
N-8	Parent of alien classified as SK-3 (unmarried son or daughter of an employee of an international organization)
N-9	Child of N-8, retired employee of an international organization or spouse (SK-1, SK-2, or SK-4)
O-1	Aliens with extraordinary ability
O-2	An assistant to O-1
O-3	Spouse and minor child of O-1 or O-2
P-1	Internationally recognized athletic or entertainment groups
P-2	Reciprocal exchange program for individuals and groups
P-3	Artists and entertainers in a culturally unique program
P-4	Spouse and child of P-1, P-2 or P-3
Q	International cultural exchange program
R-1	Members of a religious denomination that have a bonafide non-profit religious organization in the United States
R-2	Spouse and child of R-1

## EVIDENCE OF AGE, IDENTITY AND U.S. CITIZENSHIP OF ALIEN STATUS

## 1. U.S. CITIZEN - BORN IN U.S. APPLYING FOR ORIGINAL SOCIAL SECURITY NUMBER

A. EVIDENCE OF AGE AND CITIZENSHIP

ONE OF THE FOLLOWING RECORDS ESTABLISHED BEFORE APPLICANT'S 5TH BIRTHDAY:

PUBLIC OR HOSPITAL BIRTH CERTIFICATE

RELIGIOUS RECORD OF BIRTH OR BAPTISM

IF BIRTH WAS NEVER RECORDED OR THE PUBLIC RECORD NO LONGER EXISTS, SUBMIT DOCUMENTS FROM LIST B FOR EVIDENCE OF AGE AND CITIZENSHIP.

AT LEAST ONE DOCUMENT MUST SHOW APPLICANT'S NAME, AGE OR DATE OF BIRTH, AND PLACE OF BIRTH. IT SHOULD BE AT LEAST ONE YEAR OLD.

B. EVIDENCE OF IDENTITY (A BIRTH RECORD IS NOT EVIDENCE OF IDENTITY.)

STATE IDENTITY CARD

INSURANCE POLICY

DRIVER'S LICENSE

SCHOOL ID CARD

VACCINATION CERTIFICATE

ADOPTION RECORD

SCHOOL RECORD OR REPORT CARD

CLINIC, DOCTOR OR HOSPITAL RECORD

CHURCH MEMBERSHIP OR CONFIRMATION RECORD

DAY CARE OR NURSERY SCHOOL RECORD

COURT ORDER FOR NAME CHANGE

LABOR UNION OR FRATERNAL ORGANIZATION RECORD

MARRIAGE OR DIVORCE RECORD

WORK BADGE OR BUILDING PASS

VOTER'S REGISTRATION CARD

MILITARY OR DRAFT RECORD

NEWSPAPER NOTICE OF BIRTH

PRIOR WELFARE ID CARD

MILITARY DEPENDENT'S ID

U.S. PASSPORT OR CITIZEN ID CARD

RECORD OF CHILD'S MEMBERSHIP IN BOY SCOUTS, GIRL SCOUTS OR OTHER YOUTH ORGANIZATION

ANY OTHER DOCUMENT PROVIDING IDENTIFYING DATA SUCH AS PHYSICAL DESCRIPTION, PHOTOGRAPH, OR SIGNATURE

## II. U.S. CITIZEN - BORN OUTSIDE U.S. APPLYING FOR ORIGINAL SOCIAL SECURITY NUMBER

## A. IF APPLICANT WAS BORN OUTSIDE THE U.S. BUT IS A U.S CITIZEN, HE/SHE SHOULD SUBMIT EITHER:

1. U.S. CONSULAR REPORT OF BIRTH AND EVIDENCE OF IDENTITY (SEE CATEGORY 1, LIST B); OR

2. FOREIGN BIRTH CERTIFICATE (IF AVAILABLE) AND ONE OF THE FOLLOWING:

U.S. CITIZEN ID CARD

CERTIFICATE OF CITIZENSHIP

U.S. PASSPORT

NATURALIZATION CERTIFICATE

U.S. MILITARY DISCHARGE PAPERS SHOWING U.S. CITIZENSHIP

III. ALIEN - NOT U.S. CITIZEN APPLYING FOR ORIGINAL SOCIAL SECURITY NUMBER

A. IF APPLICANT IS AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE OR OTHERWISE PERMANENTLY RESIDING IN THE U.S. UNDER COLOR OF LAW, HE/SHE SHOULD SUBMIT FOREIGN BIRTH CERTIFICATE (IF AVAILABLE) AND ONE OF THE FOLLOWING:

1. ALIEN REGISTRATION CARD I-151 OR I-551

2. U.S. IMMIGRATION FORM I-94, I-95, I-185, I-186 OR I-586 (AND I-444, IF APPLICABLE)

SUGGESTED LETTER ON SSN UPDATE

Case number  
Client name  
Client address  
Date

Dear \_\_\_\_\_

In verifying your Social Security number with the Social Security Administration, they have notified us that the following information in their Social Security Number Record System is not the same as what we have in your public assistance/food stamp record.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Please take verification of your \_\_\_\_\_ to the Social Security Administration office nearest you to have this information corrected.

Please have the representative at the Social Security Administration complete the bottom of this page to verify that you have completed this requirement.

Return this form to the Department of Social Services by: \_\_\_\_\_

\*\*\*\*\*

To Be Completed By Social Security:

\_\_\_\_\_ has provided the information/documentation necessary to update SSA records on this individual.

\_\_\_\_\_  
Signature of SSA Representative

\_\_\_\_\_  
Date

Agencies Corresponding to **USCIS**, Arlington:

Albemarle	Fairfax	Orange
Alexandria	Fauquier	Page
Alleghany/Covington	Floyd	Patrick
Amherst	Fluvanna	Pittsylvania
Appomattox	Franklin County	Prince William
Arlington	Frederick	Pulaski
Bath	Galax	Radford
Bedford	Giles	Rappahannock
Bland	Grayson	Roanoke City
Botetourt	Greene	Roanoke County
Bristol	Halifax	Rockbridge Area
Buchanan	Harrisonburg/Rockingham	Russell
Buckingham	Henry/Martinsville	Scott
Campbell	Highland	Shenandoah
Carroll	King George	Smyth
Charlotte	Lee	Stafford
Charlottesville	Loudoun	Staunton/Augusta
Clarke	Lynchburg	Tazewell
Clifton Forge	Madison	Warren
Craig	Manassas	Washington
Culpeper	Manassas Park	Waynesboro
Cumberland	Montgomery	Winchester
Danville	Nelson	Wise
Dickenson	Norton	Wythe



Agencies Corresponding to **USCIS**, Norfolk:

Accomack	Henrico	Nottoway
Amelia	Hopewell	Petersburg
Brunswick	Isle of Wight	Portsmouth
Caroline	James City	Powhatan
Charles City	King and Queen	Prince Edward
Chesapeake	King William	Prince George
Chesterfield	Lancaster	Richmond City
Colonial Heights	Louisa	Richmond County
Dinwiddie	Lunenburg	Southampton
Essex	Mathews	Spotsylvania
Franklin City	Mecklenburg	Suffolk
Fredericksburg	Middlesex	Surry
Gloucester	New Kent	Sussex
Goochland	Newport News	Virginia Beach
Greensville/Emporia	Norfolk	Westmoreland
Hampton	Northampton	Williamsburg
Hanover	Northumberland	York/Poquoson

## DOCUMENTATION VERIFICATION

REQUEST (G-845)

TANF MANUAL

SECTION 201

APPENDIX V

SAVE

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U.S. Department of Justice

OMB #1115-0122

Immigration and Naturalization Service

SAVE

Document Verification Request

## Section A - to be completed by the submitting agency.

To: Immigration and Naturalization Service

6. Verification Number

7. ☐ Photocopy of Document Attached.  
(If printed on back, attach a copy of the front  
and of the back)

☐ Other Information Attached (Specify documents)

From: Typed or Stamped Name and Address Submitting Agency	8. (Benefits)	(Year Case Number)
	<input type="checkbox"/> AFDC	
	<input type="checkbox"/> Education Grant/Loans/Workstudy	
	<input type="checkbox"/> Food Stamp	
	<input type="checkbox"/> Housing Assistance	
	<input type="checkbox"/> Medicaid/Medical Assistance	
Attn: Status Verifier (INS may use above address with a #20 window envelope)	<input type="checkbox"/> Unemployment Insurance	
	<input type="checkbox"/> Employment Authorization	
1. Alien Registration or I-94 Number	<input type="checkbox"/> Other (specify)	
2. Applicant's Name (Last, First, Middle)	9. Name of Submitting Official	
3. Nationality	10. Title of Submitting Official	
4. Date of Birth (Month, Day, Year)	11. Date	
5. Social Security Number	12. Telephone Number	

## Section B - to be completed by INS

- |   |   |
|---|---|
| <p>1. <input type="checkbox"/> This document appears valid and relates to a Lawful Permanent Resident alien of the United States.</p> <p>2. <input type="checkbox"/> This document appears valid and relates to a Conditional Resident alien of the United States.</p> <p>3.. <input type="checkbox"/> This document appears valid and relates to an alien authorized employment as indicated below:</p> <p>a. <input type="checkbox"/> Full-Time</p> <p>b. <input type="checkbox"/> Part-Time</p> <p>c. <input type="checkbox"/> No Expiration (Indefinite)</p> <p>d. <input type="checkbox"/> Expires on _____<br/>(specify Month/Day/Year, below)</p> <p>4. <input type="checkbox"/> This document appears valid and relates to an alien who has an application pending for (specify INS benefits below) _____</p> <p>5. <input type="checkbox"/> This document relates to an alien having been granted asylum/refugee status in the United States.</p> <p>6. <input type="checkbox"/> This document appears valid and relates to an alien paroled into the United States pursuant to Section 212 of the I&amp;N Act.</p> <p>7. <input type="checkbox"/> This document appears valid and relates to an alien who is a Cuban/Haitian entrant.</p> | <p>8. <input type="checkbox"/> This document appears valid and relates to an alien who is a conditional entrant.</p> <p>9. <input type="checkbox"/> This document appears valid and relates to an alien who is a nonimmigrant (specify type or class below) _____</p> <p>10. <input type="checkbox"/> This document appears valid and relates to an alien not authorized employment in the United States.</p> <p>11. <input type="checkbox"/> Continue to process as legal alien. INS is searching indices for further information.</p> <p>12. <input type="checkbox"/> This document is not valid because it appears to be (check all that apply)</p> <p>a. <input type="checkbox"/> Expired</p> <p>b. <input type="checkbox"/> Altered</p> <p>c. <input type="checkbox"/> Counterfeit</p> |
|---|---|

INS Stamp

## Comments

13. No determination can be made from the information submitted. Please obtain a copy of the original alien registration documentation and resubmit.
14. No determination can be made without seeing both sides of the document submitted (*please resubmit request*).
15. Copy of document is not readable (*please resubmit request*).

## “PRUCOL”

For Purposes Of Determining If Alien Is Permanently Residing Under Color of Law Only!

16. INS actively pursues the expulsion of an alien in this class/category.
17. INS is not actively pursuing the expulsion of an alien in this class/category, at this time.
18. Other

## Instructions

- Submit copies of both/front and back of alien’s original documentation.
- Make certain a complete return address has been entered in the “From” portion of the form.
- The Alien Registration Number (“A” Number) is the letter “A” followed by a series of (7) or (8) digits. Also in this block may be recorded the number found on Form I-94. (check the front and back of the I-94 document and if the “A” Number appears, record that number when requesting information instead of the longer admission number as the “A” Number refers to the most integral record available.)
- If Form G-845 is submitted without copies of applicant’s original documentation, it will be returned to the submitting agency without any action taken.
- Address this verification request to the local office of the Immigration and Naturalization Service.

## DOCUMENTATION VERIFICATION REQUEST

SUPPLEMENT (G-845)

TANF MANUAL

SECTION 201

APPENDIX V

SAVE

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U.S. Department of Justice  
Immigration and Naturalization Service

Document Verification Request Supplement

## TO BE COMPLETED BY THE SUBMITTING AGENCY

To: Immigration and Naturalization Service

Date \_\_\_\_\_

Applicant's Name (Last, First, Middle) \_\_\_\_\_

Social Security Number \_\_\_\_\_

Alien Registration Number or I-94 Number \_\_\_\_\_

FROM: Typed or Stamped Name and Address of Submitting Agency \_\_\_\_\_

Telephone(\_\_\_\_) \_\_\_\_\_

Complete the following items: #1 #2 #3 #4 #5 #6 #7

For SSA Use Only: Show 8/22/96 status in #1. Alleged 8/22/96 status \_\_\_\_\_

## TO BE COMPLETED BY INS

## 1. IMMIGRATION STATUS (check all that apply):

From the document or information submitted and/or a review we find that the person identified is a/an:

- a. Lawful Permanent Resident alien of the United States.  
(Complete b,c,d,g,h, or I if alien adjusted to LPR status from one of those statuses in the past 7 years.)
- b. Refugee admitted to the United States under Section 207 of the INA. (Complete Item 2 below.)
- c. Asylee under Section 208 of the INA. (Complete Item 3 below.)
- d. Alien whose deportation has been withheld under sections 243(b) of the INA (as in effect prior to April 1, 1997) or whose removal has been withheld under section 241(b)(3).
- e. Alien paroled into the United States under Section 212(d) (5) of the INA for a period of at least 1 year.  
(compare Items 3 and 4 below.)
- f. Conditional Entrant pursuant to Section 203(a)(7) of the INA in effect prior to April 1, 1980.
- g. American Indian born in Canada to whom the provisions of Section 289 of the INA apply.
- h. Cuban/Haitian Entrant, as defined in Section 501(e) of the Refugee Education Assistance Act of 1980.  
(Compare Item 3 below)
- i. Amerasian immigrant, pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act of 1988. (Complete Item 2 below.)
- j. Other (indicate status): \_\_\_\_\_

2. Date Alien entered the United States \_\_\_\_\_

3. Date status was granted: \_\_\_\_\_

4. Date status expires: \_\_\_\_\_

## 5. CITIZEN STATUS:

This document appears valid and relates to a United States citizen.

## 6. SPECIAL BENEFIT PROVISIONS FOR CERTAIN VICITMS OF ABUSE:

- a. This alien obtained Lawful Permanent (or Conditional) Resident Status as the spouse, child, or widow(er) of a U.S. citizen.
- b. This alien obtained a Lawful Permanent (or Conditional) Resident Status as the spouse, child, or unmarried son or daughter of a lawful permanent resident alien.
- c. This alien did not obtain status as described in (a) or (b).

## TO BE COMPLETED BY INS

## 7. AFFIDAVIT OF SUPPORT:

- a. This alien was sponsored on Form I-864. Affidavit of Support under Section 213A of the INA.  
Service receipt date \_\_\_\_\_ (Complete Item 3 on page 1.)
- b. This alien was not sponsored on Form I-864.

Name of Sponsor	Name of Joint Sponsor(s) (if any)
Sponsor's Social Security Number	Joint Sponsor's Social Security Number
____ - ____ - ____ - ____ - ____	____ - ____ - ____ - ____ - ____
Sponsor's Address	Joint Sponsor Address
_____	_____
_____	_____
_____	_____
_____	_____
	See reverse for information on additional joint sponsor(s).

INS Stamp

- This supplement may be used in conjunction with Form G-845 to request verification; it cannot be used alone. It reflects information that may be relevant to eligibility for Federal, State, and local public benefits under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193.

Example 1

A family of three, the mother and two children, apply for TANF. The mother fails to cooperate, without good cause, and is ineligible to be included on the grant. The family resides in a Group I locality and has no countable income. The children are eligible for benefits and the grant is calculated as follows:

Step (1) - Calculate reduction by removing caretaker's needs:

\$292.00	SOA for 3 persons
<u>-228.00</u>	SOA for 2 persons
\$ 64.00	Amount of SOA reduction

Step (2) - Calculate 25% reduction:

$$.25 * \$292 = \$73.00$$

Step (3) - Calculate additional penalty amount:

\$ 73.00	25% reduction
<u>- 64.00</u>	SOA reduction
\$ 9.00	Additional penalty amount (Enter on AP)

Step (4) - Net payment calculation:

\$228.00	SOA for 2 persons/Grant amount
<u>- 9.00</u>	Additional penalty
\$219.00	Net payment

Example 2

A family residing in Group II has been receiving benefits in the amount of \$254 for two persons (the mother and one child). The mother is determined not to be cooperating, without good cause, and must be removed from the grant. The calculation of the new grant amount is as follows:

Step (1) - Calculate reduction by removing caretaker's needs:

\$254.00	SOA for 2 persons
<u>-173.00</u>	SOA for 1 person
\$ 81.00	Amount of SOA reduction

Step (2) - Calculate 25% reduction:

$$.25 * \$254 = \$63.50$$

Example 2 - Continued

Step (3) - Calculate additional penalty amount:

\$ 63.55	25% reduction
<u>- 81.00</u>	SOA reduction
\$ 0.00	Additional penalty amount

Step (4) - Net payment calculation:

\$173.00	SOA for 1 person/Grant amount
<u>- 00.00</u>	Additional penalty
\$173.00	Net payment

Example 3

A family residing in Group III is composed of the mother and her four children. The mother receives \$120 monthly in countable unearned income. TANF benefits are currently \$389 (\$537 SOA - \$120 income). The mother is determined not to be cooperating, without good cause, and must be removed from the grant.

Step (1) - Calculate reduction by removing caretaker's needs:

\$537.00	(\$537.00 SOA for 5 persons - \$120.00 Countable income)
<u>-451.00</u>	(\$451.00 SOA for 4 persons - \$120.00 Countable income)
\$ 86.00	

Step (2) - Calculate 25% reduction:

.25 \* \$537 = \$134.25

Step (3) - Calculate additional penalty amount:

\$134.25	25% reduction
<u>- 86.00</u>	SOA reduction
\$ 48.25	Additional penalty amount (Enter on AP)

Step (4) - Net payment calculation:

\$451.00	SOA for 4 persons
-120.00	Countable income
\$331.00	Grant amount
\$331.00	Grant amount
<u>- 48.25</u>	Additional penalty
\$282.75	Net payment

Example 4

A family residing in Group III is composed of the mother, father, and their three children. A child by a previous relationship of the mother enters the home. The mother does not cooperate, without good cause, in providing information about the child's father. The child's needs are added to the grant; however, the mother's needs must be removed. Calculation of the revised benefits is as follows:

Step (1) - Calculate reduction by removing caretaker's needs:

<b>\$570.00</b>	Maximum payment - SOA for 6 persons exceeds maximum
<b><u>-537.00</u></b>	SOA for 5 persons
<b>\$ 33.00</b>	Amount of SOA reduction

Step (2) - Calculate 25% reduction:

$.25 * \$570 = \$142.50$

Step (3) - Calculate additional penalty amount:

<b>\$142.50</b>	25% reduction
<b><u>- 33.00</u></b>	SOA reduction
<b>\$109.50</b>	Additional penalty amount (Enter on AP)

Step (4) - Net payment calculation:

<b>\$537.00</b>	SOA for 5 persons/Grant amount
<b><u>-109.50</u></b>	Additional penalty
<b>\$427.50</b>	Net payment

Example 5

A family consists of the mother and two children. Assistance is being provided only for the children because the mother has failed to apply for or furnish a Social Security number for herself. The Eligibility Worker is notified of the mother's failure to cooperate with DCSE, without good cause. The family resides in a Group I locality and has no countable income. Calculate the revised grant amount as follows:

Step (1) - Calculate reduction by removing caretaker's needs:

This step is not applicable since the mother's needs have already been removed from the grant for failure to comply in meeting the SSN requirement.

**\$228.00** SOA for 2 persons



Example 5 - Continued

Step (2) - Calculate 25% reduction:

$$.25 * \$228 = \$57.00$$

Step (3) - Calculate additional penalty amount:

\$ 57.00	25% reduction
<u>- 0.00</u>	SOA reduction
\$ 57.00	Additional penalty amount (Enter on AP)

Step (4) - Net payment calculation:

\$228.00	SOA for 2 persons/Grant amount
<u>- 57.00</u>	Additional penalty
\$171.00	Net payment

If the caretaker provides her SSN while she is still being sanctioned for noncooperation with DCSE, the grant amount must be recalculated as follows:

Step (1) - Calculate reduction by removing caretaker's needs:

\$292.00	SOA for 3 persons
<u>-228.00</u>	SOA for 2 persons
\$ 64.00	Amount of SOA reduction

Step (2) - Calculate 25% reduction:

$$.25 * \$292 = \$73.00$$

Step (3) - Calculate additional penalty amount:

\$ 73.00	25% reduction
<u>- 64.00</u>	Amount of SOA reduction
\$ 9.00	Additional penalty amount (Enter on AP)

Step (4) - Net payment calculation:

\$228.00	SOA for 2 persons/Grant amount
<u>- 9.00</u>	Additional penalty
\$218.00	Net payment

Example 6

A mother residing in a Group II locality receives TANF for one child. The mother's needs are not included on the grant since she receives SSI. There is no countable income. The Eligibility Worker is notified of the mother's failure to cooperate with DCSE, without good cause. Calculate the revised grant amount as follows:

Step (1) - Calculate reduction by removing caretaker's needs:

This step is not applicable since the mother is categorically ineligible to receive benefits for herself while receiving SSI.

**\$173.00** SOA for 1 person

Step (2) - Calculate 25% reduction:

$.25 * \$173 = \$43.25$

Step (3) - Calculate additional penalty amount:

<b>\$ 43.25</b>	25% reduction
<u>- 0.00</u>	SOA reduction
<b>\$ 43.25</b>	Additional penalty amount (Enter on AP)

Step (4) - Net payment calculation:

<b>\$173.00</b>	SOA for 1 person/Grant amount
<u>- 43.25</u>	Additional penalty
<b>\$129.75</b>	Net payment

Example 7

A mother residing in a Group I locality receives TANF for herself and seven children. There is no countable income. The Eligibility Worker is notified of the mother's failure to cooperate with DCSE, without good cause. Calculate the revised grant amount as follows:

Step (1) - Calculate reduction by removing caretaker's needs:

**\$443.00** SOA for 8 persons

**\$443.00** SOA for 7 persons

Because the SOA's are above the maximum payment amount of **\$443**, there is no reduction when the caretaker is removed.

Step (2) - Calculate 25% reduction:

$.25 * \$443 = \$110.75$

Example 7 - Continued

Step (3) - Calculate additional penalty amount:

<b>\$110.75</b>	25% reduction
<u>- .0.00</u>	SOA reduction
<b>\$110.75</b>	Additional penalty amount (Enter on AP)

Step (4) - Net payment calculation:

<b>\$443.00</b>	SOA for 7 persons (\$472) exceeds maximum. Use maximum.
<u>-110.75</u>	Additional penalty
<b>\$332.25</b>	Net payment

203.1 CONDITIONS OF ELIGIBILITY - Under certain conditions, emergency assistance **may be provided** to needy families with children. When all of the following conditions exist, EA must be granted immediately.

- A. The family includes at least one child who is under eighteen years or if 18 but not yet 19 is enrolled full time in a secondary school or vocational/technical school equivalency from which the child is expected to graduate prior to attaining age 19.
- B. The child is a resident of Virginia, as defined in Section 201.6.
- C. The child, and all members of his family for whom assistance is provided must be a citizen of the United States or, if an alien, meet requirements, specified in Section 201.7.
- D. The child is living with a relative in a place of residence maintained by the relative as his own home. (See Section 201.5 B.)
- E. The emergency assistance is necessary (1) to avoid destitution of the child or (2) to provide living arrangements for him in a home (203.2).
- F. The child's need is the result of a disaster or a fire which has destroyed items necessary for maintaining the household or the home itself. The emergency must have occurred within a period not to exceed one month prior to application or in the event of hospitalization of the specified relative(s) within 30 days of the emergency, application must be made within a period not to exceed two months.

- G. For current **TANF** recipients, needs can be met through EA in addition to the regular assistance payment. The EA payment does not affect the regular **TANF** money payment. An EA payment may not be issued, however, to replace money lost by the recipient or for the loss of earnings.

#### 203.2 EMERGENCY ASSISTANCE FOR DISASTER OR FIRE

- A. **NEEDS COVERED** - Emergency Assistance shall be used as indicated below to cover **the immediate needs of the applicant** resulting from the specific type of emergency. Evidence that the emergency occurred and the date of the emergency must be entered in the case record.

The total amount granted to a family under the EA Program shall not exceed \$500.00 during any one period of thirty (30) consecutive days in any twelve (12) consecutive months.

Standards of assistance, as specified in Section 304 are not applicable. Emergency Assistance can be used to provide items **such** as food, shelter items, clothing, repair or replacement of household equipment which has been destroyed or rendered unusable, **and** moving or storage of household equipment.

- B. AVAILABLE RESOURCES - Emergency Assistance cannot be granted when other resources are available to meet the family's needs. EA cannot be granted when there is another agency in the community, **insurance policies, or other immediate resources** which are known to meet the particular need promptly in that particular type of emergency. **If other resources are available but are insufficient to meet the particular immediate needs, EA may be granted.** Evidence must be entered in the case record that specific community resources have been investigated.

**Example:** On May 2, a TANF household experiences an emergency as a result of a fire. The household sought emergency housing and other necessary items. An application was submitted for the emergency assistance program. The emergency needs of \$500 exceeded the amount of \$300, which was provided by community resources. EA of \$200 was granted to supplement the community resources.

Income immediately available to the family, **such as cash on hand or money in the bank at the time of application,** must be **evaluated** in determining the amount of assistance granted. **Note: Anticipated wages must be evaluated even though they may not be available to meet the emergency need.** The provisions of Section 305 are generally applicable except that income disregards are not applicable.

- C. METHOD OF PAYMENT - Payment for purchase, repair, moving or storage of household equipment must be made by the vendor method to the provider of goods or services.

Payment to meet other needs may be either a money payment to the recipient or a vendor payment to the provider, whichever is most practicable and advantageous to the family.

203.3 AUTHORIZATION FOR TANF-EA - Emergency Assistance must be authorized during a period not to exceed thirty consecutive days within any twelve consecutive months. This thirty-day period begins with the date of the first authorization of payment by agency action. Payment may cover specified needs arising prior to the date of authorization, retroactive to the date the emergency occurred, as specified in Section 203.1 F. Payment also covers needs anticipated during the thirty-day period following the initial authorization of emergency assistance, provided it is established that such need will continue to exist for that period.

If it is established at a later date within the thirty-day period that other allowable needs exist, additional payments may be authorized within the time limit up to the maximum specified in Section 203.2.

203.4 REFERRAL FOR SERVICE - In all cases in which EA is requested, referral must be made to staff or other appropriate agency for any other services that meet needs attributable to the emergency.